Maurice L. Richmond to be postmaster at Barboursville, W. Va., in place of M. L. Richmond. Incumbent's commission expired April 6, 1938.

Olga O. Baughman to be postmaster at Belington, W. Va., in place of O. O. Baughman. Incumbent's commission expired June 26, 1939.

Marguerite E. Whiting to be postmaster at Glenville, W. Va., in place of M. E. Whiting. Incumbent's commission expires August 1, 1939.

David J. Blackwood to be postmaster at Milton, W. Va., in place of D. J. Blackwood. Incumbent's commission expires August 27, 1939.

Patrick J. Healy to be postmaster at Piedmont, W. Va., in place of O. W. Johnson, resigned.

Roy L. Pugh to be postmaster at Winona, W. Va., in place of R. L. Pugh. Incumbent's commission expired January 29, 1939.

WISCONSIN

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Incumbent's commission expired March 19, 1939.

Mathew E. Lang to be postmaster at Gillett, Wis., in place of M. E. Lang. Incumbent's commission expired January 18, 1939.

James D. Cook to be postmaster at Marinette, Wis., in place of J. D. Cook. Incumbent's commission expired March 19, 1939.

Anna C. Buhr to be postmaster at Marion, Wis., in place of A. C. Buhr. Incumbent's commission expired June 18, 1938.

Harry A. Victora to be postmaster at Middleton, Wis., in place of H. A. Victora. Incumbent's commission expired February 9, 1939.

Harry V. Holden to be postmaster at Orfordville, Wis., in place of H. V. Holden. Incumbent's commission expired January 18, 1939.

Edwin F. Hadden to be postmaster at Poynette, Wis., in place of E. F. Hadden. Incumbent's commission expired January 24, 1939.

Michael T. Lenney to be postmaster at Williams Bay, Wis., in place of M. T. Lenney. Incumbent's commission expired January 24, 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 17 (legislative day July 10), 1939

APPOINTMENTS IN THE REGULAR ARMY

Dwight True Hunkins to be second lieutenant, Infantry.

William John Penly to be second lieutenant, Corps of Engineers.

POSTMASTERS

FLORIDA

Ruth K. Palmer, South Miami.

ILLINOIS

George P. Langan, Cairo.
Charles Mancel Wightman, Grayslake.
Charles F. Loeb, Urbana.

IOWA

Harry J. McFarland, Davenport.
Kate C. Warner, Dayton.
William A. Suiter, Le Claire.
Clarence H. Kemler, Marshalltown.
Donald D. Jansen, Onslow.
Carrie M. Skromme, Roland.
Merle B. Chader, Slater.

MAINE

Walter G. Anderson, Kittery Point.

MICHIGAN

Annah E. Turnbull, Clio.
Claude J. Tessman, New Haven.

MISSISSIPPI

Leslie L. Evans, Canton.
James H. Middlebrook, Ethel.
Charles M. Anderson, Gloster.
Erma O. Barnes, Louise.
Alec R. Moore, Meadville.
William J. Newton, Monticello.
Dallas E. Morgan, Sallis.

MONTANA

Karl Oliver Lentz, Baker.
Dudley W. Greene, Columbia Falls.
Raymond M. Birck, Corvallis.

NEW YORK

Raymond J. Watrous, Manhasset.
Olivia L. Kesselman, Roosevelt.

OHIO

Arthur C. Battershell, Hicksville.
Frederick B. Mowery, Kingston.
Hartman W. Staker, Wheelersburg.
Thomas B. Gephart, Williamsport.

OKLAHOMA

Isaac J. Loewen, Clinton.

RHODE ISLAND

William F. Harkins, West Barrington

SOUTH DAKOTA

Edith A. Sproat, Bradley.
Alex C. Lembcke, Garretson.
Ruel E. Dana, Hartford.
Thomas W. Lalley, Montrose.
William F. Curren, Vienna.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 17, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, maker of all things and lover of all men, we lift our grateful hearts to Thee in praise; this new day gives us fresh assurance of Thy fatherly care. We pray Thee to make it blessed with new hopes, new joys, and new visions of life. Thou who art the Good Shepherd, lead us into green pastures and besides still waters. Since our example means so much, may we not do the things which the restraints of a good name forbid. Fulfill in us that blessed beatitude:

Blessed are the pure in heart: for they shall see God.

We pray for Thy gracious blessing upon our President, his associates, and immediate advisers. Oh, gird them with more than human wisdom and with strength greater than their own that those things wisest and best may come to pass. Support us, O Lord, all the day long, and then give us Thy peace. In the holy name of our Saviour. Amen.

The Journal of the proceedings of Friday, July 14, 1939, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Latta, one of his secretaries, who also informed the House that, on the following dates, the President approved and signed bills and a joint resolution of the House of the following titles:

On July 11, 1939:

H. R. 2310. An act to provide national flags for the burial of honorably discharged former service men and women.

On July 12, 1939:

H. R. 4674. An act to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif.

On July 14, 1939:

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife; and

H. R. 4497. An act to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes.

On July 15, 1939:

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to the retired enlisted men;

H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles;

H. R. 5610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes; and

H. J. Res. 133. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had ordered that the Secretary be directed to request the House to return to the Senate the bill (S. 2662) entitled "An act authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes."

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title:

H. R. 5610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL

The SPEAKER. The Chair desires to announce that, pursuant to authority granted him on Friday last, he did, on Saturday, July 15, sign the following bill: H. R. 5610, the District of Columbia appropriation bill.

EXTENSION OF REMARKS

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Hon. Paul V. McNutt, United States High Commissioner for the Philippine Islands, before the Institute of Public Affairs, at the University of Virginia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE HATCH BILL

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. DEMPSEY. I ask unanimous consent to revise and extend my remarks and to insert therein an amendment which I propose to offer on Thursday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I ask the indulgence of the House for this brief period to advise the membership that I propose to put in the RECORD today an amendment which I intend to offer to the Hatch bill on Thursday next when that bill comes up for consideration before this body. I do this for the reason that there has been so much misunderstanding with reference to this bill.

In the first place, neither the bill nor my proposed amendment makes any new prohibition against any person making a political contribution not now covered by law except as it relates to those people who receive their salaries from the relief appropriation which we recently passed.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. WALTER. During the many weeks this bill was under consideration in the Committee on the Judiciary the gentleman had ample time to urge upon the committee the consideration of the amendment he now says he is going to offer. I would like to know why he did not ask the committee to consider this particular amendment during its consideration of the bill?

Mr. DEMPSEY. The gentleman from Pennsylvania has asked, and I will gladly tell him why.

Mr. WALTER. I would like to know.

Mr. DEMPSEY. Because I was informed that the gentleman from Pennsylvania and other members of the Judiciary Committee were conferring with Senator HATCH on this particular matter and that it was being worked out. I understood that an agreement had been reached with Senator HATCH to amend section 9. When the committee reported out the bill, that amendment was not included, and a committee amendment was offered instead, which, in my opinion, would destroy and defeat the purpose of the Hatch bill. That is why I am offering this amendment. [Applause.]

Mr. WALTER. The gentleman was misinformed. I was not a member of the subcommittee that considered it.

Mr. DEMPSEY. It was my understanding the gentleman was one of those who conferred with Senator HATCH, and that as a result of that conference the bill would be reported out in such form that the amendment I propose to offer would have been unnecessary.

Mr. WALTER. Wherever the gentleman received his information, it was incorrect.

[Here the gavel fell.]

The amendment referred to follows:

On page 4, strike out lines 20 to 25, inclusive, and on page 5, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WHEELER-LEA BILL

Mr. WARREN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. WARREN]?

There was no objection.

Mr. WARREN. Mr. Speaker, a short while ago the Secretary of War sent a powerful statement to the Congress in reference to the so-called Wheeler-Lea bill, which was followed by a similar statement in opposition by the United States Maritime Commission and the National Grange. A letter has been received today directed to the Speaker of the House from the Secretary of Agriculture stating how inimical this bill will be to the farmers of the country.

Mr. Speaker, I ask unanimous consent that this very strong letter from the Secretary of Agriculture addressed to the Speaker may be included under an extension of my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. WARREN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a letter from the Civil Aeronautics Authority.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

[Mr. LUDLOW addressed the House. His remarks appear in the Appendix.]

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of the legislative business in order for the day.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. MARTIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two short editorials from newspapers.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

Mr. RICH. Mr. Speaker, reserving the right to object, may I call the gentleman's attention to the fact that last week's pages 8869 to 8890, 21½ pages of the RECORD, were used to incorporate a petition in reference to Government ownership of the Federal Reserve banks by the gentleman from California [Mr. VOORHIS]. It seems to me that 21½ pages are an awful lot of space of the RECORD to use for that purpose. How much of the RECORD is the gentleman going to use for this speech?

Mr. VOORHIS of California. It is a very short proposition. There are just a couple short illustrative articles I want to use with my remarks. Those petitions were from other people, not myself.

Mr. RICH. If the gentleman had wanted to conserve space, he could have put that in and used only a half page of the RECORD. He could have thereby saved 20 pages of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in three particulars—one, on the subject of alien sedition laws; two, on the subject of the Bill of Rights, and to include in connection therewith a brief statement of Governor Lehman; and three, on the subject of jurisprudence and to include a statement of Assistant Attorney General Holtzhoff.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by the Honorable J. Edgar Hoover, delivered to the graduating class last week.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some remarks of the Honorable Frank Murphy.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

WAGE-HOUR AMENDMENTS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a report from the Wage-Hour Administrator on the Barden bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, the gentleman from North Carolina [Mr. BARDEN] has introduced a bill proposing to amend the wage-hour law, which the newspapers say is sponsored by so-called farm organizations. I have in my hand a report from the Wage-Hour Administrator on that law, directed to the chairman of the Committee on Labor, who is absent today. I am putting this report in the Appendix of the RECORD for the information of the Members of the House.

Mr. Speaker, this proposal is a far-reaching one and, in my judgment, goes far beyond anything that may be justified in the name of farming. I hope the Members will read this, because I understand an effort will be made to bring this matter before the House before the Congress adjourns.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KIRWAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address by Postmaster Farley.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. KIRWAN]?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a very short statement by a Kentucky newspaper regarding the production of power by the T. V. A.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a list of about 200 names of organizations that have endorsed a bill which will be taken up for consideration tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEARHART]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two respects; and in one extension, with reference to neutrality, to include an editorial from the News-Telegram, a local paper in Portland, Oreg., and in the other to include a resolution adopted by the Multnomah Civic Club of Portland, Oreg., with reference to the use of industrial alcohol.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE REAL-ESTATE SITUATION

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to include in my remarks an excerpt from the Southern California Business Review issued by the University of Southern California.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. LELAND M. FORD addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article written by the distinguished former Representative from Indiana, Mr. Pettengill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from this morning's Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me at the sixteenth annual Michigan State Sunday in the George Washington Memorial Chapel at Valley Forge.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KINZER asked and was given permission to extend his own remarks in the RECORD.

MOUNT RUSHMORE NATIONAL MEMORIAL

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein an address delivered by the Governor of South Dakota.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, this year marks the fiftieth anniversary of the admission of the State of South Dakota into the Union. At Mount Rushmore, in the Black Hills of South Dakota, there is being completed the gigantic sculpturing of the figures of George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt, a project undertaken by Gutzon Borglum under commission from Congress to create the Great American Memorial. There, on the 2d of July, 12,000 people gathered in the spirit of the Fourth of July jointly to commemorate the Nation's one hundred and sixty-third birthday and the fiftieth anniversary of the admission of South Dakota into the Union. The day was marked by the unveiling of the fourth head, that of Theodore Roosevelt, who spent his early days in the Dakotas.

Members of Congress have followed this work with a great deal of interest. There, in the native, massive granite of a mountain, America's four immortals will speak for a million years or more. There at a fraction of the cost of any of our other great American memorials, will be the greatest of them all.

The significance of the ceremonies at Mount Rushmore National Memorial were recognized by Life magazine, this week, when it designated as its "picture of the week" a full-page, nighttime photograph of the four immortals on Mount Rushmore, lighted only by "the rockets' red glare" of fireworks. I hope that all Members of Congress will note the picture which I shall place on the board in the lobby.

Mr. Speaker, I ask unanimous consent to place in the RECORD the anniversary address given at Mount Rushmore by the Honorable Harlan J. Bushfield, Governor of South Dakota, at the ceremonies July 2, 1939.

The SPEAKER. Without objection it is so ordered.

NATIONAL EMERGENCY COUNCIL

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I wish to call the attention of the House to the propaganda that is being put out by the National Emergency Council in an attempt to get around the O'Mahoney Act with reference to sending out free literature by franked mail.

Mr. Speaker, I ask unanimous consent that this post card, which that agency is sending out to the people of this country, be inserted in the RECORD to show how they are getting around this law, contrary to what Congress intended.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, may I ask how many pages of the RECORD this will cover?

Mr. RICH. It will not take more than approximately one-sixteenth of a page, but it will show the gentleman from Mississippi what the National Emergency Council is doing contrary to law. We ought to stop franking this kind of mail for that agency. Too much propaganda for the N. E. C.; too much waste printed material; too much Government franking privilege in mail from bureaus.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

DEAR SIR: The O'Mahoney amendment (sec. 6 of the 1940 Post Office Department appropriation bill) prohibits Federal agencies from sending through the mail free of postage any "report, periodical, bulletin, pamphlet, list, or other article or document," with certain formal exceptions, unless this service has been requested.

The National Emergency Council now has your name on its mailing list to receive various informational material. In order to conform with the law, it will be necessary to drop your name from our list unless a request is made by you that this material be sent. A return postal card is attached for your use if you want this service continued. Unless the card is returned, we will be forced to drop your name.

THE NATIONAL EMERGENCY COUNCIL.

(Detach and mail)

NATIONAL EMERGENCY COUNCIL

309 Federal Building,
Sioux Falls, S. Dak.

It is hereby requested that the various types of informational material indicated below, which you feel would be of interest, be sent to us from time to time as it becomes available. It is specifically requested that our name be retained on the mailing list for this purpose.

☐ Booklets ☐ Releases ☐ State directories
☐ Bulletins ☐ Reports ☐ Other material.

Signature _____
Street _____
City _____
(Correct address if necessary.)

JOHN L. LEWIS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I desire to call the attention of the gentleman from Illinois [Mr. SABATH] to the fact—and I do this because the gentleman is such an ardent supporter of the President—that John Lewis is again cracking his whip around the ears of the President demanding that the President take the part of the C. I. O. in a strike to force the packers in the gentleman's city, Chicago, to agree with John Lewis that no one who does not belong to the C. I. O. can work in the packing industry, that all men seeking employment in that industry pay a fee to one of Lewis' unions before going to work. Mme. Perkins is trying the same thing in the Kentucky dispute. She knows very well that the only point in dispute down there is whether or not there shall be a closed shop. She knows they have been negotiating for months on this question, yet she calls upon the operators to meet and agree within 24 hours. That is coercion of the worst kind.

Three times the Supreme Court of the United States has held that when an employer has negotiated in good faith he has done all that the N. L. R. A. requires, that he cannot be required to sign a closed-shop contract nor required to agree to a closed shop. The Supreme Court of the United States has held that when the employer has in good faith bargained and has decided that he will not agree to a closed shop that is the end of the negotiations and he need bargain no longer.

Mme. Perkins knows, as does John L. Lewis, as do the members of the N. L. R. B., that the operators of the mines in Harlan County have said they will not sign a closed-shop contract, that miners in that county have said they do not want to sign up with or join the U. M. W. Nevertheless, seeking to drive the miners into agreeing to join his union and pay dues, trying to force the operators to tell the miners they cannot work until they join the union of Lewis, the Labor Board issues complaint after complaint against the operators. Perkins calls upon them to meet and settle their differences with the union, which can only mean sign on the dotted line.

And Lewis, for the third time, calls upon the President of the United States to command the packers, the mine operators to agree with Lewis in his demands. Three times has Lewis snarled at the President and gotten away with it. Who is Lewis that he should demand that the President carry out his unlawful commands? Neither a political contribution of $470,000 nor one of $1,700,000 ever purchased a President but Lewis acts as though he thought it did.

Let us amend the Wagner Act. Let some New Dealer tell Lewis where to head in, let some good southern Democrat tell Perkins she is not Lewis' hired girl.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 moment.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, it seems to me that the gentleman from Michigan [Mr. HOFFMAN] is suffering from "Lewisitis." Each day it is his practice to complain about something or other that Mr. Lewis is doing. If it is his purpose to perturb Mr. Lewis or to embarrass the President he certainly is having very little success.

I do not rise to defend Mr. Lewis or to hold a brief for him, but I do want to assure the gentleman from Michigan that the people of Chicago are well able to take care of their own problems. I feel confident that any dispute between the packers and labor will be worked out to the satisfaction of all concerned, and not to the disadvantage of labor.

There are those who have no sympathy with labor's cause. I am not one of those. I emphatically disapprove of daily attacks upon those who are sincerely trying to improve the lot of the worker.

Now, Mr. Speaker, it has just been said that I am friendly to the President. Let there be no question on that point. I am friendly toward him, and I am entirely in approval of his policies. I see in him the desire and determination to help all the people and to make it possible for them to live. That is stating it very simply, but I can conceive of no higher endeavor, and in all my years of service here I have never known a President of the United States who has tried harder than President Roosevelt has to help all of the people.

[Here the gavel fell.]

COMMITTEE ON FOREIGN AFFAIRS

Mr. DOUGHTON. Mr. Speaker, I present a privileged resolution for immediate consideration.

The Clerk read as follows:

House Resolution 260

Resolved, That SOL BLOOM, of New York, be, and he is hereby, elected chairman of the standing committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

Mr. DOUGHTON. Mr. Speaker, I offer a further privileged resolution.

The Clerk read as follows:

House Resolution 261

Resolved, That WIRT COURTNEY, of Tennessee, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

EMERGENCY RELIEF APPROPRIATION ACT

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AMENDMENT OF SUBSECTION B, SECTION 16, EMERGENCY RELIEF APPROPRIATIONS ACT, 1939

Mr. MILLER. Mr. Speaker, I have just placed in the legislative hopper a resolution intended to correct what I believe was a mistake, made when we enacted the Emergency Relief Appropriations Act of 1939.

I have definitely stated to numerous constituents that I feel the requirement compelling all employees on W. P. A. to work 130 hours per month is fair and reasonable, and I can see no way in which the reduced hourly wages on W. P. A. can affect the wages paid in private employment. In fact, I feel very strongly that there should be a differential between relief wages and wages paid in private industry. We have a duty to provide an adequate subsistence wage, and we have met that duty in the provisions of the emergency relief appropriations of 1939.

However, I am convinced that subsection B of section 16 of the act was enacted by Congress as a result of apparent misinformation. We were told that there were over 900,000 citizens certified and eligible for W. P. A. employment. We were also told that there are approximately 10,000,000 unemployed in this country. It seemed only reasonable to believe that while W. P. A. could provide for approximately 2,000,000 there would be other millions among the unemployed who could be certified for W. P. A. employment. The average American workingman is just, and I am confident that those who have been on W. P. A. for 18 months would willingly step aside to give some other citizen, who might be merely existing on direct relief, an opportunity to secure employment on W. P. A. It appears now, however, at least in my district, that while we have no large waiting list in the city of Hartford, Conn., 1,200 W. P. A. workers will be discharged because of the 18-month continuous employment provision and that there are only about 350 eligible to take their places. In West Hartford there are approximately 50 to be discharged and only 5 eligible for replacement; in my own home town of Wethersfield there are about 20 to be laid off and, so far as I could ascertain, there are none eligible to fill the vacancies. Perhaps in some of the largest cities there are heavy waiting lists, but I do not believe it was the intent of Congress to lay workers off W. P. A. in communities where there are no waiting lists. Such a move would do two things, both undesirable: First, it would place on the local welfare rolls numerous citizens who had been employed on W. P. A.; and, second, particularly in the smaller communities, it would cripple W. P. A. projects which were under way.

This is not a question of yielding to pressure but simply a case of admitting that possibly we made a mistake or were misinformed but are now willing to rectify any mistake. I stand firmly on the position I have taken that no one has a right to strike against the Government—particularly a Government that has spent billions of dollars providing work relief rather than a dole, and I say right here that I believe the money spent to provide work relief was well worth while. Many cities and towns have spent millions providing materials so that skilled workers could continue their trade and not lose their skill through idleness. I realize the session is drawing to a close, but I sincerely hope that the resolution I have

introduced can be adopted before adjournment so that unnecessary hardship will not be worked on those who might be discharged from W. P. A. employment, and that added burdens will not be placed on the local relief agencies. [Applause.]

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent that immediately after the disposition of the legislative program for the day and the special orders heretofore entered, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-six Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 130]

Andrews	Ditter	Jenks, N. H.	Richards
Austin	Douglas	Johnson, Lyndon	Robertson
Ball	Eaton, Calif.	Keller	Rockefeller
Barton	Eaton, N. J.	Kelly	Satterfield
Bender	Faddis	McDowell	Schwert
Bolles	Fay	McGranery	Scrugham
Bolton	Ferguson	McMillan, Thos. S.	Secrest
Boren	Fernandez	Maas	Seger
Buckler, Minn.	Fitzpatrick	Maciejewski	Shafer, Mich.
Byron	Flannery	Magnuson	Shannon
Chapman	Gifford	Marcantonio	Smith, Maine
Chiperfield	Grant, Ind.	Massingale	Smith, Ohio
Clark	Green	May	Somers, N. Y.
Claypool	Hancock	Merritt	Sumners, Tex.
Cluett	Hart	Myers	Taylor, Colo.
Cole, N. Y.	Harter, N. Y.	Nichols	Thomas, N. J.
Connery	Hartley	Norton	Wadsworth
Curley	Healey	Patman	Weaver
Dies	Jarrett	Pierce, N. Y.	

The SPEAKER. Three hundred and fifty-three Members have answered to their names, a quorum.

Mr. RAYBURN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

ADDITIONAL CLERK HIRE IN HOUSE OF REPRESENTATIVES

Mr. WARREN. Mr. Speaker, I call up the conference report upon the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives and for other purposes and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up a conference report upon the bill (H. R. 6205) and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. Section 1 of the Legislative Pay Act of 1929 (U. S. C., title 2, sec. 60 (a)), is amended by adding two new paragraphs under the caption 'Clerical Assistance to Senators', as follows:

" 'Ninety-six additional clerks at $1,800 each, one for each Senator, in lieu of the assistant clerks now authorized by S. Res. 144, agreed to August 15, 1935, which resolution is hereby repealed as of January 1, 1940.

" 'Each Senator shall have one additional clerk at $1,500 per annum, and in addition thereto each Senator from any State which has a population of three million or more inhabitants shall be entitled, in addition to the one clerical assistant provided for in this paragraph, to one additional clerk at the rate of $1,500 per annum.' "

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the figure "5" insert "4"; and the Senate agree to the same.

ROSS A. COLLINS,
LINDSAY C. WARREN,
JOHN J. COCHRAN,
JAMES WOLFENDEN,
Managers on the part of the House.

M. E. TYDINGS,
ALVA B. ADAMS,
JOHN H. OVERTON,
HARRY S. TRUMAN,
FREDERICK HALE,
STYLES BRIDGES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1 makes permanent 96 additional clerks at $1,800 each, one for each Senator, and repeals the Senate resolution authorizing same. It also gives each Senator one additional clerk at $1,500 per annum and each Senator from any State which has a population of 3,000,000 or more inhabitants is also given one additional clerk at $1,500 per annum. The proposal to give a research assistant to both the majority and minority leaders of the Senate has been stricken out.

On amendments Nos. 2 and 4 the numbers of the sections are merely changed.

On amendment No. 3, which would permit the office force of a Senator to be carried upon the pay rolls of the Senate for 90 days after the date of the Senator's death, also has been stricken out.

LINDSAY C. WARREN,
JOHN J. COCHRAN,
JAMES WOLFENDEN,
Managers on the part of the House.

Mr. WARREN. Mr. Speaker, on May 16, the House of Representatives by a rather decisive vote, passed a bill to permit an additional clerk for each Member at the rate of $1,500 a year. The measure went to the Senate, and I think it would be a mere repetition for me at this time to state the amendments that the Senate placed on the bill because I went into that thoroughly a few days ago. The matter went to conference, and it now returns with the unanimous report of the conferees, both majority and minority.

Here in brief is what the bill provides at the present time: Each Member of the House is permitted to have one, two, or three clerks at a total of $6,500 annually, that being an increase of $1,500; and that no one clerk shall receive over $3,900 per year. The Senate for several years, in fact, since 1934, have been paying out of their own contingent fund for a clerk to each Senator at the rate of $1,800 a year. In this bill they make that clerkship permanent, and they also give each Senator an additional clerk at the rate of $1,500 per annum, and each Senator from a State that has 3,000,000 population or over is given an additional clerk at the same rate per annum. There are 12 States that fall within that category, so that there are 24 extra clerks on that account. The bill, as boiled down, merely gives each Member of the House of Representatives and the Senate an additional clerk at $1,500 per year, plus the 24 extra clerks given to the Senators who come from States having more than 3,000,000 population, at $1,500 per year. The bill goes into effect January 1, 1940, and the adoption of the conference report is imperative at this time, because an appropriation must be secured in the deficiency appropriation bill.

I may say that the conference with the Senate was most cordial and pleasant. I subscribe to the theory that has been in effect here for over a hundred years—that there must be perfect comity in the relationship between the two Houses. That has been repeatedly stated in recent years and was very vigorously stated by a former distinguished chairman of the Committee on Appropriations, the late Martin B. Madden, of Illinois. The Senate very firmly, but at the same time very

courteously, told the House conferees that we had nothing to do with the clerical help that they might desire in their own offices, and I concur in that. At the same time, they realized that when they placed an amendment on the bill to allow a statistician or expert for the majority and minority leaders of the Senate, and when they also placed an amendment which would continue on the Senate rolls all the clerks of a deceased or resigned Senator for 90 days after his death or resignation, they were injecting new matter on the pending question, and they very readily agreed to withdraw both of those propositions.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. KNUTSON. How much are the Senators allowed now for clerk hire?

Mr. WARREN. The total I do not recall. I think they had five clerks, and this gives them six.

Mr. KNUTSON. I mean in dollars.

Mr. WARREN. I do not recall that. I think it is something around $10,000. Mr. Speaker, that is what the conferees have agreed upon.

Mr. KRAMER. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. KRAMER. When does the act go into effect?

Mr. WARREN. It will go into effect January 1, 1940.

Mr. CASE of South Dakota. Is it not a fact that the total amount allowed for the various clerks in the Senate now amounts to about $12,000 for each Senator?

Mr. WARREN. I am not sure about that. The gentleman may be correct.

If there is no further question, Mr. Speaker, I move the previous question.

The SPEAKER. The question is on agreeing to the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 6577) entitled "An act to provide revenue for the District of Columbia, and for other purposes."

EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the trade-agreement program.

The SPEAKER. Is there objection?

There was no objection.

WAGE AND HOUR EXCEPTIONS FOR COUNTRY NEWSPAPERS

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain rulings of the Wage and Hour Administrator.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, a week ago today I called the attention of the House to a ruling of the Wage and Hour Administrator which took away the exemption granted by Congress to certain weekly newspapers having a circulation of less than 3,000 subscribers. On Tuesday of last week I conducted a hearing before the Wage and Hour Division and strongly urged that the Administrator's ruling be rescinded. I am now happy to advise the House that the Wage and Hour Administrator has reversed himself, and under date of July 13 issued a new ruling so as to comply with the intent of Congress.

The Administrator's ruling provides for complete exemption from the provisions of the wage and hour law for all weekly and semiweekly newspapers having a circulation of less than 3,000 subscribers, irrespective of the fact that such newspapers may engage in job printing.

In order that there may be no misunderstanding with reference to the ruling of the Administrator which took away the exemption from country weekly newspapers, I quote herewith from opinions handed down by the Administrator under dates of November 1, 1938, and January 30, 1939:

UNITED STATES DEPARTMENT OF LABOR,
WAGE AND HOUR DIVISION,
November 1, 1938.

It is the opinion of the General Counsel's office that newspapers are not service establishments within the meaning of section 13 (a) (2).

You will note that section 13 (a) (8) provides an exemption for "any employee employed in connection with the publication of any weekly or semiweekly newspaper with a circulation of less than 3,000, the major part of which circulation is within the county where printed and published." If Congress had intended to exempt newspapers as service establishments, it would not have exempted a particular class of newspapers.

Under date of January 30, 1939, the General Counsel for the Wage and Hour Division ruled as follows:

In my opinion, the exemption provided by section 13 (a) (8) will not apply during any workweek in which a plant is engaged in the production of job or commercial printing for interstate commerce.

The new ruling of the Administrator which reverses his former opinion was announced on July 13, 1939, and is quoted in part as follows:

The Congress must be presumed to have provided this exemption, fully aware of the fact that the publisher of the typical newspaper described in section 13 (a) (8) employs relatively few employees, all of whom are engaged a few days a week in printing and publishing the newspaper, and the balance of the week in other related work, usually job printing. Indeed, the use of the phrase "in connection with," which is found in no other exemption provided by the act, reinforces this presumption and indicates an intent on the part of Congress to grant the exemption to employees engaged in both types of work. In our opinion, therefore, except as hereinafter stated (referring to commercial printing plants), employees employed in connection with the publication of a county weekly or semiweekly newspaper described in section 13 (a) (8) must be considered within the exemption, even though they work on job printing during that part of the week in which they are not engaged in publishing the newspaper, and even though some of the job printing is produced for customers who use the printing in interstate commerce.

Commissioner Andrews has done a fine piece of backtracking in his new ruling. He has tried to make Congress believe that he has always carried out the so-called intent of Congress with respect to his ruling for the small weekly newspapers of the country. However, his former rulings removing the exemption from weekly newspapers and the fact that within the past 2 weeks he has sent his inspectors out in the country to enforce his regulations against weekly newspapers exempted by Congress, plainly shows that he had no intention whatsoever to follow the law or carry out the "intent of Congress" in respect to the exempted newspapers until the proceedings of last week changed his mind.

The new ruling of the Administrator clears up the entire matter, and as long as it remains in effect, weekly and semiweekly newspapers with a circulation of less than 3,000 subscribers, may consider themselves exempt from the provisions of the Wage and Hour law.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. KNUTSON. How many newspapers are affected favorably by the new ruling?

Mr. AUGUST H. ANDRESEN. From eight to ten thousand weekly and semiweekly newspapers in this country.

Mr. KNUTSON. As the publisher of a small weekly paper, I want to say that the gentleman from Minnesota deserves the credit of every publisher affected by this order. [Applause.]

Mr. AUGUST H. ANDRESEN. I thank the gentleman, but I am glad that we did accomplish something worth while in behalf of the free press of this country. [Applause.]

[Here the gavel fell.]

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

SAN CARLOS APACHE INDIANS

The Clerk called the first bill on the Consent Calendar, S. 18, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, this bill has been subject to objection for several years. The objections were based upon the report of the Bureau of the Budget. The Bureau of the Budget held that $33,725 was due the Indians. The bill carried $277,966.37. Those interested in the bill have now agreed to accept the Budget figure. As far as I am concerned, if they will accept an amendment which I will offer, and stand by the amendment in conference, I will not object to the consideration of the bill. I do not know how others feel about it, but I am willing to withdraw my objection if those interested agree to accept the Budget figure.

Mr. MURDOCK of Arizona. Mr. Speaker, I have talked this matter over with the gentleman from Missouri [Mr. COCHRAN]. Although I think the amount for the Indians is too small, in order to get it straightened out I am now willing to accept the Budget figure in lieu of the amount stated on page 2, line 1, which I presume is the amendment which the gentleman has in mind to offer.

Mr. COCHRAN. That is the amendment, together with a minor amendment, on page 1.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, as payment in full to the San Carlos Apache Indians, at the rate of $1.25 per acre for 232,320 acres of land ceded by them under the agreement of February 25, 1896, ratified by the act of June 10, 1896 (29 Stat. 358), less $12,433.63 received by the Indians as royalty under mining permits, the sum of $277,966.37 to be deposited in the Treasury of the United States to the credit of the San Carlos Apache Indians, and to be available for expenditure for the benefit of such Indians: *Provided*, That none of the funds herein authorized to be appropriated shall be subject to the payment of any claims, judgments, or demands against the San Carlos Apache Indians accruing prior to the approval of this act.

SEC. 2. The lands referred to in the first section of this act are hereby reopened to location and entry under the public land and mineral entry laws of the United States.

With the following committee amendments:

Page 2, beginning in line 4, strike out the word "That" and all of lines 5, 6, and 7 and the words "prior to the approval of this act" in line 8, and insert: "That no part of the amounts authorized in this act shall be paid or delivered to or received by any agent or attorney on account of services heretofore or hereafter rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Page 2, line 17, after the figure "2", strike out the word "The" and insert "Upon appropriation and deposit to the credit of the San Carlos Apache Indians of the amount herein authorized the."

Page 2, line 20, after the word "act", strike out "are hereby" and insert "shall be."

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 6, after the word "Indians", strike out "at the rate of $1.25 per acre", and on page 2, line 1, strike out "$277,966.37" and insert "$33,725."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

WAPATO SCHOOL DISTRICT, YAKIMA COUNTY, WASH.

The Clerk called the next bill, H. R. 3824, to provide funds for cooperation with Wapato School District No. 54, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING SECTION 344 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 5911, to amend subsection (h) of section 344 of the Agricultural Adjustment Act of 1938, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO, Mr. PACE, and Mr. KEAN objected.

PAYMENT OF EXPENSES OF CERTAIN INDIANS ON QUINAIELT RESERVATION, WASH.

The Clerk called the next bill, H. R. 2654, authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

FRANKLIN D. ROOSEVELT LIBRARY

The Clerk called the next business, House Joint Resolution 268, to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLCOTT. Was not this bill passed last week?

The SPEAKER. A similar Senate resolution was passed.

Mr. BARDEN. Mr. Speaker, I move that House Joint Resolution 268, to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes, be laid on the table.

The motion was agreed to.

CONVEYANCE OF CERTAIN PROPERTY TO WASHINGTON COUNTY, UTAH

The Clerk called the next bill, H. R. 2184, to authorize the Secretary of the Interior to convey certain property to Washington County, Utah, and for other purposes.

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDMENT OF SECTION 1860 OF THE REVISED STATUTES

The Clerk called the next bill, S. 1116, to amend section 1860 of the Revised Statutes, as amended (48 U. S. C. 1460), to permit retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard to hold civil office in any Territory of the United States.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth clause of section 1860 of the Revised Statutes of the United States, as amended (48 U. S. C. 1460), is hereby further amended to read as follows:

"Fourth. No person belonging to the Army, Navy, Marine Corps, or Coast Guard shall be elected to or hold any civil office or appointment in any Territory, except officers and enlisted men of the Army, the Navy, the Marine Corps, or the Coast Guard on the retired list."

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 2, line 2, change the period to a comma, strike out the quotation marks and insert thereafter: "And except officers of the Coast Guard who heretofore have been or hereafter may be appointed as United States commissioners or United States deputy marshals in and for the Territory of Alaska."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PUBLIC HEALTH SERVICE AND THE FOREIGN SERVICE (S. DOC. NO. 431)

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return herewith without my approval, H. R. 3537, to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States.

This bill opens up a wholly new field of Government medical and dental care for Government servants. Up to the present, with a few minor exceptions, hospitalization and medical and dental care by the Government has been confined to the Army, Navy, and Coast Guard.

I do not believe that the Congress wishes to start the practice of extending such assistance to a large class of civilian representatives and employees. There seems no reason why such facilities should be extended to officers and employees in the Foreign Service within the State Department without including all the other employees within the State Department. If this is done for the State Department, it should logically be done for the employees of other departments.

The estimate that it would cost only $21,000 per annum to extend these facilities to 1,600 officers and employees is absurd. With an average of three dependents for each one of them the total would run to about 6,500 individuals, and the cost for this one branch of the Government alone would be excessive.

Incidentally, to establish such a Government policy would in a short time involve setting up dispensaries and bed facilities in every place in the country where there are many employees of the Government.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 17, 1939.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the message of the President and the bill be referred to the Committee on Foreign Affairs and ordered printed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

SIERRA NATIONAL FOREST

The Clerk called the next bill, H. R. 4635, to transfer certain lands from the Sierra National Forest to the Yosemite National Park, in the State of California, and for other purposes.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore (Mr. WARREN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES OPERATION OF RAILROADS IN ALASKA

The Clerk called the next bill, H. R. 4868, to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Mr. JONES of Ohio. Mr. Speaker, this is a bill wherein it is proposed that the Government buy the equipment of the Mount McKinley Tourist & Transportation Co., which consists of several pieces of moving equipment, busses, horses, tents, and so forth.

This bill would project the Government into the private business of hauling tourists from the entrance of Mount McKinley Park, a distance of about 90 miles, into the interior.

The reason for the introduction of this bill is said to be an effort to correlate train schedules with bus schedules. I am of the frank opinion, however, that the matter could be handled by the terms of the license at the time the Government issues the license. The minority views filed with the committee report point out the fact that the concessionaire has operated over a period of 10 years and has shown some small amount of profit. The passage of this bill would be for the obvious purpose of buying out the concessionaire's equipment and goodwill after the United States has fulfilled its obligations under the terms of the contract. When the contract expires the concessionaire has no goodwill to sell.

Mr. Speaker, I therefore object.

Mr. RICH. Mr. Speaker, I object.

UNITED STATES INDIAN SERVICE

The Clerk called the next bill, H. R. 5409, to authorize certain officers of the United States Indian Service to make arrests in certain cases, and for other purposes.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, and I dislike very much to object to any bill that comes to us from the Committee on Indian Affairs, but this particular piece of legislation comes without any definition of the term "reservation" and would certainly be very questionable in its operation. It proposes in effect to make both Indians and white persons subject to arrest by tribal officers or by junior special officers for violation not merely of law but of any regulation having the force of law anywhere within the outer boundaries of any Indian reservation.

To make these Indians and whites subject to arrest by tribal officers would be to make them subject to trial by courts where they cannot have the benefit of counsel, where they are denied the right to consult an attorney, and where they are denied the right to a trial by jury. It means that citizens would be subject to punishment on the complaint of some tribal officer for the violation not merely of laws, but of regulations supposed to have the force of law. In what it attempts to do it is directly contrary to an opinion rendered by the attorney general of my State.

The bill is protested by the Indians on the ground that it is a violation of the constitutional provision against involuntary servitude.

For these reasons I ask that the bill may be passed over without prejudice.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, the gentleman from South Dakota certainly has not given a great deal of consideration to this bill. It was considered in some detail and at some length by the Indian Affairs Committee of the House and was reported out unanimously. It is a good bill and I shall object to its going over. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, I have considered this bill thoroughly. I object to its consideration at this time.

CLAIMS OF YAKIMA TRIBE OF INDIANS

The Clerk called the next bill, H. R. 2390, conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims which the Yakima Indian Tribes may have against the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, as the committee has not seen fit to accept the recommendations of the Attorney General and as there is a minority report on this bill, I object.

Mr. COSTELLO, Mr. TABER, and Mr. RICH objected.

OUTBOARD RACING MOTORBOATS

The Clerk called the next bill, H. R. 6273, to amend certain sections of the Motorboat Act of June 9, 1910, the act of Congress approved June 7, 1897, the act of Congress approved February 8, 1895, and section 4412 of the Revised Statutes, with respect to boats equipped with detachable motors and other motorboats.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 4 and 6 of the act of June 9, 1910 (U. S. C., 1934 edition, title 46, secs. 514 and 516), shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced, or if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

SEC. 2. Motorboats as defined by section 1 of the act of June 9, 1910 (U. S. C., 1934 edition, title 46, sec. 511), the act of June 7, 1897 (U. S. C., 1934 edition, title 33, ch. 3), the act of February 8, 1895 (U. S. C., 1934 edition, title 33, ch. 4), and by section 4412 of the Revised Statutes (U. S. C., 1934 edition, title 33, ch. 5) shall not be required to carry on board copies of the pilot rules.

Amend the title so as to read: "A bill to exempt certain motorboats from the operation of sections 4 and 6 of the Motorboat Act of June 9, 1910, and from certain other acts of Congress, and to provide that certain motorboats shall not be required to carry on board copies of the pilot rules."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to exempt certain motorboats from the operation of sections 4 and 6 of the Motorboat Act of June 9, 1910, and from certain other acts of Congress, and to provide that certain motorboats shall not be required to carry on board copies of the pilot rules."

A motion to reconsider was laid on the table.

PROVIDING A RIGHT-OF-WAY

The Clerk called the next bill, S. 504, to provide a right-of-way.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant to the Stanolind Pipe Line Co., its successors and/or assigns, an easement for a right-of-way for an oil pipe line over, across, in, and upon the Ellington Field Military Reservation, in the State of Texas: *Provided*, That such right-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such right-of-way may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof: *And provided further*, That all moneys which may accrue to the United States under the provisions of this act shall be deposited in the Treasury as miscellaneous receipts.

With the following committee amendment:

Page 2, line 7, after the word "hereof", insert a colon and the following: "*And provided further*, That all moneys which may accrue to the United States under the provisions of this act shall be deposited in the Treasury as miscellaneous receipts."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASE IN SALARY FOR CARRIERS IN VILLAGE DELIVERY SERVICE

The Clerk called the next bill, H. R. 2001, for the equalization of letter carriers.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, when this bill was on the calendar previously, I asked that it be passed over without prejudice due to the fact there were objections voiced in a letter from the Post Office Department. Although the committee report shows the amendments to the bill, the report does not indicate what the effect of those amendments actually would be on the bill. After further considering the bill, we find that the cost of the bill has been considerably reduced over the amount estimated by the Post Office Department. That Department had estimated the cost would be pretty close to $500,000. In view of the committee amendments, I understand the cost will be reduced to approximately $150,000 as the maximum cost.

Mr. Speaker, for these reasons I withdraw any objections I had previously to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (U. S. C., title 39, sec. 106), is hereby repealed, and all post offices now having village delivery service shall have City Delivery Service instituted in lieu thereof, and such village delivery carriers and substitute village delivery carriers shall receive the compensation paid letter carriers and substitute letter carriers in the City Delivery Service: *Provided*, That such village delivery carriers and substitute village delivery carriers shall receive the same salary, hours of labor, and other benefits accorded letter carriers and substitute letter carriers employed in the City Delivery Service.

SEC. 2. This act shall take effect the first day of the month following its approval.

With the following committee amendment:

Page 1, line 8, after "(106)", strike out the remainder of line 8 and all of lines 9, 10, and 11, and lines 1 to 7 on page 2, and insert the following: "is amended to read as follows:

"'That the pay of carriers in the Village Delivery Service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,300 to $1,500 per annum. The pay of substitute letter carriers in the Village Delivery Service shall be at the rate of 60 cents per hour.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO ACT ESTABLISHING CIVILIAN CONSERVATION CORPS

The Clerk called the next bill, H. R. 2990, to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. RAMSPECK. Mr. Speaker, reserving the right to object, may I ask the gentleman from Michigan [Mr. WOLCOTT] what his objection to this bill is? It does nothing but extend the date. The men in charge of the operations of the Civilian Conservation Corps are very anxious to get this matter settled so that they may go ahead with their plans for next year.

Mr. WOLCOTT. I understand from several Members who have spoken to me that the question of date is highly controversial and there are certain other highly controversial subjects in the bill.

Mr. RAMSPECK. There was no controversy in the committee. The gentleman from California is here, and I think he will verify my statement that this was a compromise agreed on in committee and that the action of the committee was finally unanimous.

Mr. WOLCOTT. What is the purpose of section 3 of the bill?

Mr. RAMSPECK. That simply gives them the right to have a seal to put on contracts.

Mr. WOLCOTT. It says—

This act shall be immediately effective.

That is the procedure followed in State legislative bodies, but I have never seen that done in the Congress of the United States before.

Mr. RAMSPECK. I do not know that there is any particular purpose in that section. The bill would be effective on the date it is signed anyway and that would not change the situation at all. I hope the gentleman will not object.

Mr. WOLCOTT. I am asking that it go over without prejudice because of certain controversial matters involved in the bill. I think they can probably be worked out if we had some debate on the bill. It is a rather important question and an important matter.

Mr. RAMSPECK. We will have to go to the trouble of trying to get a rule for it, which will take a lot of time.

Mr. WOLCOTT. It is a matter of sufficient importance so that you should get a rule, or at least bring it up under suspension so we can talk about it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT].

Mr. RAMSPECK. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT, Mr. MOSER, Mr. TABER, and Mr. RICH objected.

MOTORBOAT ACT, 1939

The Clerk called the next bill, H. R. 6039, to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. AUGUST H. ANDRESEN. Reserving the right to object, Mr. Speaker, and I do so for the purpose of getting information, in this bill an attempt is made to make less stringent the regulations with reference to small motorboats, as I understand.

Mr. BLAND. That is true.

Mr. AUGUST H. ANDRESEN. A reading of the bill, however, does not show that anything in particular is being done to remove some of the restrictions against smaller motorboats. I note there is a class A, which covers all small motorboats under 16 feet in length. Each of these boats is required to have lights, life preservers, fire extinguishers, and such other equipment as may be specified. It seems to me that as most of these boats are used during the daytime for fishing purposes and pleasure purposes and are not for hire they should not be required to observe the stringent regulations that apply to other boats.

Mr. BLAND. If the gentleman will pardon me, he will find there has been considerable relief afforded in that respect. I have had an analysis made of this bill and the former motorboat bill, and I find that the smaller motorboats are relieved of many of these burdens. This bill relieves a motorboat under 16 feet in length of the duty of carrying other than the white light at the bow or stern showing all around the horizon. It relieves boats under 15 feet of the statutory requirement of carrying a whistle. There is no requirement for foghorns on motorboats. The bill relieves the outboard motorboats of certain restrictions while competing or tuning up; that is the other bill that passed. It relieves motorboats of the burden of having pilot rules on board. Another very important point is that there is in existing law a provision as to fire extinguishers and that sort of thing, and the requirements of that provision cannot be remitted by the Secretary of Commerce. This bill gives the power to the Secretary of Commerce to remit everything except the negligent operation of boats.

I believe the gentleman will find upon reading the bill that there is a considerable advantage to the protection of the smaller boats.

Mr. AUGUST H. ANDRESEN. I wanted to get an explanation of the operation of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the word "motorboat" where used in this act shall include every vessel propelled by machinery and not more than 65 feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motorboats which are more than 40 feet in length and which are propelled by machinery driven by steam.

SEC. 2. Motorboats subject to the provisions of this act shall be divided into four classes, as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over and not more than 65 feet in length.

SEC. 3. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(a) Every motorboat of class A shall carry a bright white light, mounted either at the bow or on the stern, so placed as to show all around the horizon.

(b) Every motorboat of class 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(c) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(d) Motorboats, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section, except in the case of motorboats of classes A and 1, which shall carry, ready at hand, a lantern showing a white light which shall be exhibited in sufficient time to avert collision.

(e) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" in this act, when applied to lights, shall mean visible on a dark night with clear atmosphere.

SEC. 4. Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

SEC. 5. Every motorboat of class 2 or 3 shall be provided with an efficient bell.

SEC. 6. Every motorboat subject to any of the provisions of this act and also all vessels propelled by machinery other than by steam more than 65 feet in length shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board, so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than 65 feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board.

SEC. 7. No such motorboat, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by a local board of inspectors. Whenever any person applies to be licensed as operator of any motorboat carrying passengers for hire, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such motorboat carrying passengers for hire for the term of 5 years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 239): *Provided*, That motorboats shall not be required to carry licensed officers except as required in this act.

SEC. 8. Every motorboat and also every vessel propelled by machinery other than by steam more than 65 feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectively extinguishing burning gasoline, as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

SEC. 9. The provisions of sections 4, 5, and 8 of this act shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

SEC. 10. Every motorboat and also every vessel propelled by machinery other than by steam more than 65 feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That this section shall apply only to such motorboats or vessels, the

construction of which or the replacement of the engine or engines of which is commenced subsequent to the passage of this act.

SEC. 11. Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the board of supervising inspectors with the approval of the Secretary of Commerce for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases: *Provided*, That this section shall apply only to such motorboats or vessels the construction or decking over of which is commenced subsequent to the passage of this act.

SEC. 12. Motorboats shall not be required to carry on board copies of the pilot rules.

SEC. 13. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding $2,000, or by imprisonment for a term of not exceeding 1 year, or by both such fine and imprisonment, at the discretion of the court.

SEC. 15. Any officer of the United States authorized to enforce the navigation laws of the United States or designated by the Secretary of Commerce, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 13, or who may violate any provision of said section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *Provided further*, That whenever an arrest is made under the provisions of this act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

SEC. 16. If any motorboat or vessel subject to any of the provisions of this act is operated or navigated in violation of this act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of this act, be liable to a penalty of $100: *Provided*, That in the case of motorboats or vessels subject to the provisions of this act carrying passengers for hire, a penalty of $200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.

SEC. 17. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this act by any officer of the United States authorized to enforce the navigation laws of the United States or designated by him.

SEC. 18. The proviso contained in the last paragraph of section 2 of the act of May 11, 1918 (40 Stat. 549), and the proviso contained in section 4399 of the Revised Statutes, as amended (48 Stat. 125), are amended by striking out "June 9, 1910," and inserting in lieu thereof the date of the enactment of this act.

SEC. 19. This act shall take effect on and after 1 year from the date of its approval, and will then repeal the Motor Boat Act of June 9, 1910 (Public, No. 201, 61st Cong.; 36 Stat. 462): *Provided*, That nothing in this act shall be deemed to alter or amend section 4417a of the Revised Statutes (U. S. C., 1934 ed., Supp. IV, title 46, sec. 391a), the act of August 26, 1935 (U. S. C., 1934 ed., Supp. IV, ch. 7A, secs. 178 and 179), the act of June 20, 1936 (U. S. C., 1934 ed., Supp. IV, title 46, sec. 367), or repeal acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

SEC. 20. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

With the following committee amendments:

Page 5, line 12, after the word "applicant", insert "orally."

Page 6, line 2, after the word "Act", insert "*And provided further*, That licenses herein prescribed shall not be required of motorboats engaged in fishing contests previously arranged and announced."

Page 8, line 10, strike out "or designated by the Secretary of Commerce."

Page 10, line 7, strike out "or designated by him."

Page 10, line 8, after "SEC. 18.", strike out the remainder of line 8 and all of lines 9, 10, 11, 12, and 13, and insert the following: "The proviso contained in the last paragraph of section 2 of the act of May 11, 1918 (40 Stat. 549), shall apply also with like force and effect to motorboats as defined in this act.

"Motorboats as defined in this act are hereby exempted from the provisions of Revised Statutes 4399, as amended (48 Stat. 125)."

Page 10, line 20, after "SEC. 19", strike out the remainder of line 20 and all of lines 20 to 25; and on page 11, strike out all of lines 1 to 6, inclusive, and insert the following: "This act shall take effect upon its approval as to all of the sections hereof except sections 6, 7, and 8, which sections shall take effect 1 year from the date of said approval, and for a period of 1 year from the date of approval of this act sections 5, 6, and 7 of the Motorboat Act of June 9, 1910 (Public, No. 201, 61st Cong.; 36 Stat. 462), shall continue in full force and effect except that from and after the date of the approval of this act the Secretary of Commerce shall have authority to remit or mitigate all fines or penalties heretofore or hereafter incurred or imposed under sections 5 and 6 of the Motorboat Act of June 9, 1910. Except as hereinabove expressly provided, the Motorboat Act of June 9, 1910, above referred to, is repealed upon the approval of this act and as to sections 5, 6, and 7 of said act hereinabove continued the said sections are hereby repealed effective 1 year from the date of approval of this act. Nothing in this act shall be deemed to alter or amend section 4417a of the Revised Statutes (U. S. C., 1934 ed., Supp. IV, title 46, sec. 391a), the act of August 26, 1935 (U. S. C., 1934 ed., Supp. IV, ch. 7A, secs. 178 and 179), the act of June 20, 1936 (U. S. C., 1934 ed., Supp. IV, title 46, sec. 376), or repeal acts of Congress or treaties embodying or revising international rules for preventing collisions at sea."

The committee amendments were agreed to.

Mr. BARDEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: On page 12, line 7, insert a new section to be known as section 21, and reading as follows:

"SEC. 21. The provisions of section 210 of title II of the Anti-smuggling Act, approved August 5, 1935, requiring a certificate of award of a number to be kept at all times on board of the vessel to which the number has been awarded shall not apply to any vessel not exceeding 17 feet in length measured from end to end over the deck, excluding sheer, or to any vessel whose design of fittings is such that the carrying of the certificate of award of the number on such vessel would render such certificate imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification."

The amendment was agreed to.

Mr. BLAND. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 3, line 24, strike out subsection (d) on page 3, lines 24 and 25, and on page 4, lines 1 to 4, both inclusive, and insert in lieu thereof the following:

"(d) Motorboats when under sail alone or being towed shall carry the colored side lights, suitably screened, but need not carry the white lights prescribed by this section, except that such motorboats of classes A and 1 shall not be required to carry any of such lights: *Provided*, That all motorboats shall carry, when under sail alone or being towed, ready at hand, a lantern showing a white light, which shall be exhibited in sufficient time to avert collision."

Mr. BLAND. Mr. Speaker, may I be permitted to make a statement on this amendment. I always desire to have amendments such as this considered by the committee, but this came in as a recommendation from the Secretary of the Treasury as late as last Friday for clarification.

Upon examination I found there was confusion about the language and I am going to ask to insert in the RECORD at this point the statement of the Secretary of the Treasury so that the reasons for this amendment may appear.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The matter referred to follows:

TREASURY DEPARTMENT,
Washington, July 8, 1939.

Hon. S. O. BLAND,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter of May 29, 1939, enclosing a copy of H. R. 6039, Seventy-sixth Congress, first session, a bill "to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes," and requesting an expression of the views of this Department on the proposed legislation.

This bill has for its purpose the amending of the Motorboat Act of 1910 (36 Stat. 462). The need for such legislation is appreciated by this Department and the change as proposed by H. R. 6039 is deemed both wise and necessary.

You are advised that this Department concurs in the views expressed by the Secretary of Commerce on the proposed legislation and recommends that H. R. 6039 be enacted. However, there is set

forth below a suggested amendment to the bill which it is hoped will receive due consideration by your committee, since it is felt that by its adoption a greater measure of protection will be afforded life and property.

Section 3 (d) of the bill appears ambiguous. It would seem that any vessel required to carry the red and green side lights and the white lights when propelled by machinery should also be required to exhibit such lights when propelled by both machinery and sail. The regular white lights could properly be dispensed with when any such vessel is proceeding under sail alone or is being towed, but there should be at hand ready to show a white light to be exhibited in sufficient time to avert possible collision. Therefore, it is suggested that section 3 (d) be amended to read as follows:

"(d) Motorboats when under sail alone or being towed shall carry the colored side lights, suitably screened, but need not carry the white lights, prescribed by this section, except that such motorboats of classes A and 1 shall not be required to carry any of such lights: *Provided*, That all motorboats shall carry, when under sail alone or being towed, ready at hand, a lantern showing a white light which shall be exhibited in sufficient time to avert collision."

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COLUMBIAN FOUNTAIN IN WASHINGTON, D. C.

The Clerk called the joint resolution (H. J. Res. 159) authorizing the selection of a site and the erection thereon of the Columbian Fountain in Washington, D. C.

Mr. TABER. Mr. Speaker, I object.

NEW YORK WORLD'S FAIR, 1939

The Clerk called the joint resolution (H. J. Res. 278) to authorize the appropriation of an additional sum of $851,-111.59 for Federal participation in the New York World's Fair, 1939.

Mr. KRAMER, Mr. RICH, Mr. SHAFER of Michigan, and Mr. WOLCOTT objected.

INTERNATIONAL EXHIBITION OF POLAR EXPLORATION

The Clerk called the joint resolution (H. J. Res. 291) authorizing and requesting the President to accept the invitation of the Government of Norway to the Government of the United States to participate in an International Exhibition of Polar Exploration, which will be held at Bergen, Norway, in 1940, and authorizing an appropriation to cover the expenses of such participation.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

Mr. BLOOM. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT, Mr. CHURCH, and Mr. RICH objected.

MEXICAN CLAIMS COMMISSION

The Clerk called the next bill, H. R. 1821, to provide for the payment in full of the principal of awards of the special Mexican Claims Commission.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GOLDEN GATE INTERNATIONAL EXPOSITION, 1939

The Clerk called the joint resolution (H. J. Res. 242) to authorize the appropriation of an additional sum of $606,650 for Federal participation in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California a question. If we objected to the joint resolution for New York, why should we not object to the one for California on the same ground; that is, to give them an opportunity to complete 1 year of operation and see whether or not they receive sufficient money to pay for their fair. If so, they will not have to come here for more money.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California that the resolution be passed over without prejudice?

Mr. BLOOM. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. RICH, Mr. KRAMER, and Mr. HOOK objected.

MEXICAN CLAIMS

The Clerk called the bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 9, 1923, United States and Mexico.

Mr. FISH and Mr. COSTELLO objected.

VALIDATING CONVEYANCES HERETOFORE MADE BY SOUTHERN PACIFIC RAILROAD

The Clerk called the bill (H. R. 3560) validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State of California, acquired under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the conveyance hereinafter particularly described and heretofore executed by Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interest therein, in the town of Indio, in the county of Riverside, State of California, and forming a part of the right-of-way of said Southern Pacific Railroad Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes', approved July 1, 1862" (13 Stat. L. 356), is hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyance by the corporations making the same under absolute fee-simple title.

The conveyance, recorded in the office of the county recorder of Riverside County, Calif., in book of official records, which is hereby legalized, validated, and confirmed, is as follows: December 15, 1937: Volume 351, page 351, A. L. Wood, John Clinton Estate, Indio Fire Protection District, C. W. Walker, Jane Walker, and Faye Massey: *Provided*, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks of said Southern Pacific Railroad Co. as now established and maintained: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Southern Pacific Railroad Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

With the following committee amendment:

Page 2, line 4, strike out all after the word "by" to and including the parentheses on line 15 and insert in lieu thereof "section 23 of the act of March 3, 1861 (16 Stat. 573)."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State

of California, acquired under section 23 of the act of March 3, 1871 (16 Stat. 573)."

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLEVELAND NATIONAL FOREST

The Clerk called the bill (H. R. 2728) to add certain lands to the Cleveland National Forest in Orange County, Calif.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Mr. Speaker, I object.

Mr. SHEPPARD. Mr. Speaker, will the gentleman reserve his objection?

Mr. RICH. I reserve the objection.

Mr. SHEPPARD. Mr. Speaker, this is for the purpose of acquiring land in order to take in some hot springs for the purpose of saving the medicinal properties of the springs for children who are suffering from the aftermath of spinal meningitis. Originally in the Seventy-fifth Congress $75,000 was asked for this land, and we have had that amount reduced to $45,000. I think the gentleman ought to reconsider this.

Mr. RICH. They are asking $50,000 in the bill, and it is going to cost $2,500 a year to administer it.

Mr. SHEPPARD. Forty-five thousand dollars is the purchase price. We worked last session of Congress for 2 months to get that reduction.

Mr. RICH. I have read the report and it states $50,000, and further, it will require $2,500 a year to administer it. We do not know whether the medicinal properties of the springs are going to do what the gentleman thinks they will. I think we ought to make further investigation of the mineral qualities of that water before we spend $2,500 a year to look after it.

Mr. SHEPPARD. The gentleman is in error, because I talked with six of the outstanding physicians of the State of California and they said beyond any question of doubt that there are very material medicinal qualities in the water.

Mr. SCHAFER of Wisconsin. Will the passage of this bill result in conflict with the so-called Warm Springs Foundation which has collected millions and millions of dollars?

Mr. SHEPPARD. No; in no way.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENDING PROVISIONS OF FOREST EXCHANGE ACT

The Clerk called the bill (H. R. 2418) to extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. PIERCE of Oregon. Mr. Speaker, I wish the gentleman would reserve that request. What is the objection to this?

Mr. RICH. We are adding too much to our national forests. In the last 2 or 3 or 4 years we have added so much that the people of this country do not realize what is being done, and when they come to figure what it will cost to administer it they will be astounded. You want 263,000 acres to be added to this proposition. In 3 or 4 years from now when the people settle down they will realize that we cannot continue to increase the size of these forests. We will have to have so many people in the Forest Service that we will wonder where we are going to get the money to operate the thing.

Mr. PIERCE of Oregon. May I reply for just a moment?

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore? Is there objection to the request of the gentleman from Pennsylvania?

Mr. PIERCE of Oregon. Mr. Speaker, reserving the right to object. The only object of this bill is to put this forest on a continuous cutting or sustained-yield plan. Part of this land is in the public domain and part is under private ownership. The private owners wish to trade their lands for ripe timber within the forest. It is a good trade for the Government because it gives us growing young forests. Then the lumbermen agree to cut only the ripe timber on their own land, the Government takes the land and pays for it in ripe trees on the forest reservation. There is no money involved. If you could see the bare hills today in the forest you would not object to a selective logging plan in an attempt to make these forests perpetual. These three counties and their county courts have all petitioned for this bill. This is most important, and the only object is to make the forests of some value and of continuing value.

Mr. RICH. I will say to you that in the State of Oregon the Federal Government owns more land which they are using as an excuse to get the Government into the logging business. You have practically every other cross section of your State in that category. I think it is time we got the Government out of the logging business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that this bill be passed over without prejudice?

There was no objection.

EXTENSION OF REMARKS ON H. R. 5409

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 5409, to which I objected when called on this calendar, and to include therein a ruling by the attorney general of my State and certain correspondence with Indians and with officials of the Indian Bureau on the proposed legislation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

H. R. 5409 WILL PRODUCE CONFUSION AND RESENTMENT BY DENIAL OF FUNDAMENTAL RIGHTS

Mr. CASE of South Dakota. Mr. Speaker, as I stated earlier this afternoon, I dislike very much to object to any bill reported by my friends, the members of the Committee on Indian Affairs. This bill, however, contains provisions which, in my judgment, based on a fairly intimate and personal observation of conditions in the Indian country, would create strife and arouse bitter resentment both among Indians and whites. Any attempt to enforce it would produce confusion and the Congress would be besieged with petitions and delegations seeking its repeal.

The bill, in its present form, would violate fundamental American rights by making American citizens, Indian and white, subject to arrest and trial without benefit of counsel and without the right to trial by jury, and this not for alleged violations of statutory law, but for alleged violation of regulations having the force of law, or what some special tribal officer thought was a regulation having the force of law.

Let the facts speak for themselves.

PROPOSES TO INCLUDE ALL PERSONS

This bill, in section 1, proposes—

That the chief special officer, special officers, junior special officers, and deputy special officers, appointed or deputized by the Secretary of the Interior or the Commissioner of Indian Affairs are empowered to serve warrants and subpenas issued under authority of the United States and to make arrests for any violation of law, or regulation having the force of law, relating to or pertaining to the protection or welfare of Indians, or where Indians or Indian property are involved.

And originally, it proposed that these officers should have the power to make searches and seizures "with or without a warrant." But the Committee on Indian Affairs has properly proposed to strike out that language.

Section 1 concludes with this sentence:

Arrest of all persons for the violation of any regulation or tribal ordinance applying to the conduct of Indians and all other persons on an Indian reservation may be made by the Indian police or the tribal police any place within the outer boundaries of any such Indian reservation.

As originally drawn the bill did not propose to place white persons under the jurisdiction of the Indian tribal officers, but that is proposed in the bill before us as a committee amendment.

Mr. Speaker, I recognize some of the problems that have led to the proposal of this legislation, but I predict with all sincerity that I can that the troubles that have existed prior to this time in the application of law and order codes on the Indian reservations will be small compared with the trouble ahead if this bill should be enacted in this form.

Let me enumerate the specific objections to this legislation.

CONFLICTS WITH ATTORNEY GENERAL'S RULING

First is the question of jurisdiction.

I quote the first and the concluding paragraphs of an official opinion by the present attorney general of South Dakota, the Honorable Leo A. Temmey, given to Hastings Robertson, states attorney of Bennett County, S. Dak. Under date of April 27, 1939, the attorney general writes:

In your letters of March 16 and April 1 you have submitted the following statement of facts: A patent-in-fee Indian residing in Bennett County, S. Dak., was arrested by the officers of the Indian Tribal Court of the Pine Ridge Reservation for an alleged offense committed in Bennett County, S. Dak., on land held by the individual in fee simple. You state that the Indian defendant is part white, a competent Indian, having received his patent-in-fee to his allotment.

There follows, then, a review of the authority under which the Indian Tribal Court was established under the act of June 18, 1934, and the manner in which a code of offenses was adopted pursuant to powers in the constitution and bylaws of the Oglala Sioux Tribe, adopted pursuant to that act.

The Attorney General then reviews several leading cases on the question of jurisdiction in State and Federal courts pertaining to Indians, and concludes with this opinion:

From a reading of all of these decisions it is my opinion that such jurisdiction as the Pine Ridge tribal court may have would not extend beyond the boundaries of the reservation, and further, that such court could not have jurisdiction of offenses committed on such reservations by white people or by patent-in-fee Indians, and that if such court has any jurisdiction at all, the same would only extend to offenses committed by trust patent tribal Indians within the boundaries of the reservation.

Now, it must be apparent, that the intent of the proposed bill is to do exactly what the Attorney General says cannot be done under the established rulings on jurisdiction in Indian affairs.

It is true that the bill says "within the outer boundaries of any such Indian reservation," but it also says "any place" within those boundaries, and that of necessity includes patent-in-fee land within the outer boundaries of the reservation, whatever that may be.

ENTIRE DISTRICT IS WITHIN RESERVATION

Mr. Speaker, if Indian tribal officers may arrest both Indians and whites on patent-in-fee land within the boundaries of a reservation, they may make arrests on any land in the Second Congressional District of South Dakota, for all of the patent-in-fee land in the western half of the State is within the outer boundaries of the Great Sioux Reservation established by the treaty of 1868 and acts of Congress pursuant thereto.

Every foot of patent-in-fee land within the so-called boundaries of diminished reservations has been on exactly the same footing from the standpoint of the jurisdiction of State and Federal courts as the patent-in-fee land outside those reservations.

For the Federal Government now to attempt to assert a jurisdiction for Indian tribal officers over the person and conduct of both Indians and whites, with power of arrest on patent-in-fee land and trial in tribal courts is a violation of the good faith given to Indians who were issued patents-in-fee and to whites when they were permitted to buy that patented land.

If the Federal Government can now assert that jurisdiction for Indian tribal officers on patent-in-fee land within the reservations, tomorrow, it can assert that jurisdiction on every foot of land in the adjoining counties in defiance of State and Federal courts.

Indeed, in principle, it will already have done so, for the patent-in-fee lands within the diminished reservations are in so-called unorganized counties but, by State law, "attached" to specified adjoining counties for judicial purposes. The officials of those adjoining counties are now paid salaries for attending to the duties of their office for these patent-in-fee lands in the attached unorganized counties. The State's attorney and the sheriff have authority there. The county commissioners levy taxes there. The treasurer collects taxes on this patent-in-fee land or sells it at tax sale. This patent-in-fee land is on all fours with patent-in-fee land just over the line in the adjoining organized county to which it is attached. Indeed, these unorganized counties can organize whenever a majority of the voters in them decide to do so.

DENY FUNDAMENTAL RIGHTS

And what is this jurisdiction that it is proposed to assert? It is to make all Indians and all whites who violate "law, or any regulation having the force of law" subject to arrest by the Indian tribal officers, and to try them in courts where they are denied the right to consult an attorney, and where they are denied the right of trial by jury. Those are the second and third objections to this legislation.

Second. Denial of the right of counsel.

Third. Denial of the right of trial by jury.

Both of these objections are illustrated in the case of Joe Fred Thin Elk, a Sioux Indian on the Rosebud Reservation. His case was brought to my attention by C. F. Manson, State's attorney in Mellette County. I referred the matter to the Commissioner of Indian Affairs, who in turn asked the superintendent of the Rosebud Reservation for a report. I need only quote the final paragraph from the superintendent's letter to reveal the accuracy of the two objections cited:

Under date of February 17, 1939, Supt. C. R. Whitlock reported to the Commissioner of Indian Affairs, as follows:

Our records do not show any information as to his demand for a trial by jury or that he had been denied the right of an attorney. However, our Law and Order Code does not provide for jury trial.

Furthermore, our Law and Order Code specifically states in section VII, chapter 1, that: "Professional attorneys shall not appear in any proceedings before the Rosebud Sioux Tribal Court unless rules of court have been adopted as set forth in section 4 of this chapter prescribing conditions governing their admission and practice before the court." However, no rules of court have been set up providing for admission of attorneys to practice before the court.

The Commissioner, in transmitting the report to me, under date of April 22, 1939, observed:

Unfortunately, the Law and Order Code, as adopted by the council, makes no provision for trial by jury. Whether in the absence of such a provision a jury trial could be had by Thin Elk, I am not prepared to say, but I do feel that the desirability of specifically recognizing jury trials should be brought to the attention of the tribal council and am asking Superintendent Whitlock to do so.

COMMISSIONER BELIEVES IN THESE RIGHTS

Commissioner Collier has been one of the most ardent of Americans in his fight for civil liberties, and I am sure that, as the paragraph cited shows, he believes in the right of trial by jury; yet, this legislation proposes to extend the jurisdiction of courts that deny that right. This legislation proposes to put all Indians, patent-in-fee or trust, and all whites under the jurisdiction of those courts and make them subject to arrest for alleged violations of regulations prepared in the Department of the Interior, or ordinances adopted by a tribal council, neither of which are generally circulated.

The whites who would be made subject to arrest by tribal officers have not been heard from, of course, because they have not heard of the amendment that is proposed in the committee print. Indians who have heard of the original bill have voiced their protest. Let me quote this paragraph from a petition received by me and signed by 33 members of the Standing Rock Reservation:

It infringes our rights as citizens of the United States (act of June 2, 1924) and is contrary to article XIII, section 1, of the Constitution of the United States, which provides "neither slavery nor

involuntary servitude except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

Their fears on this score are founded upon the unhappy experiences that have taken place in the past few years in the operation of these tribal courts with the law and order codes. Testimony before the Indian Committees of the House and Senate have related instances such as these:

SOME INSTANCES OF PROTEST

American Horse, charged with obtaining money under false pretenses because he received $4.75 in donations to help pay his expenses to Washington to appeal to Congress for help in solving problems on the Pine Ridge Reservation. The allegation was reported to be that he falsely held out the idea that he might secure repeal of the Wheeler-Howard Act as an inducement to get contributions.

Ben Chief, charged with larceny because he had possession of a copy of a letter written in the Commissioner's office to the superintendent, reciting the way money had been handled by a tribal officer. The letter had been given him by an office employee. The tribal officer whose conduct was reviewed was head of the council whose officers made the arrest and sat in judgment.

Another case recited at Senate hearings alleged that one Indian was arrested and held in jail for several days because he disagreed with the tribal officers politically. Several instances were alleged where parties selected for arrest and trial were those who had funds on deposit at the agency who could be made to pay fines in order that money would be put in the tribal treasury.

WHY EXTEND THEIR JURISDICTION?

These cases may or may not be representative. No doubt a large proportion of the arrests made by these officers and a large share of the cases tried in these courts would be upheld if appealed to or tried in regular State or Federal courts, but the measure of justice is not a percentage proposition.

The quality of justice is measured by its freedom from error.

It is true that there is little to distinguish the trust Indian from the patent-in-fee Indian today. Both have attended the same schools. Both have served in the same army. Both are citizens under the act of 1924. The reason that some of the trust Indians are not patent-in-fee Indians is that the present policy is against issuing patents-in-fee; or, that the allotment land was exhausted before the Indian was born; or, that allotments are not being made under present law.

But because the trust Indian is held to be subject to arrest by tribal officers when on trust land, is there any reason to make him subject to arrest anywhere? Or, to place the patent-in-fee Indian under the jurisdiction of courts that deny the right of counsel and the right of trial by jury? Or any reason at all to put whites under the jurisdiction of such courts?

Indeed, would not the better logic be to give the Indian who is a trust Indian by the accident of the place or time of his birth the right to the same justice that extends to whites and Indians on patent-in-fee land?

The record of the tribal courts does not justify the extension of their jurisdiction. The attempt to do so means a conflict with State authorities and increasing confusion, trouble, and resentment in the Indian country.

I have no objection to giving these tribal officers the protection of regular officers proposed in sections 2 and 3 of H. R. 5406, but their jurisdiction should not be extended to patent-in-fee lands, nor should any more persons, white or Indian, be brought under the authority of courts that deny the right of counsel and the right to trial by jury.

CONSENT CALENDAR

OCHOCO NATIONAL FOREST, OREG.

The Clerk called the next bill, H. R. 5404, to extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Ochoco National Forest, Oreg.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

MAJOR GENERAL WILLIAM JENKINS WORTH MEMORIAL COMMISSION

The Clerk called the joint resolution (H. J. Res. 283) to establish the Major General William Jenkins Worth Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Maj. Gen. William Jenkins Worth.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. KITCHENS. Mr. Speaker, I object.

PORTRAYING THE STORY OF AVIATION

The Clerk called the joint resolution (H. J. Res. 123) to provide for the utilization of a part of the unfinished portion of the historical frieze in the rotunda of the Capitol to portray the story of aviation.

There being no objection, the Clerk read the resolution, as follows:

Whereas the completion of the historical frieze in the rotunda of the Capitol is most desirable both from an artistic and educational standpoint; and

Whereas the remarkable achievements in the field of aviation of citizens of the United States, beginning with Wilbur Wright and Orville Wright, of Ohio, who on December 17, 1903, made the first successful mechanical airplane flight, have been a major contribution to the progress of air transportation; and

Whereas it is most appropriate that the frieze in the rotunda of the Capitol should be completed, in part, with the story of the invention and development by citizens of the United States of the heavier-than-air flying machine: Therefore be it

Resolved, etc., That the Joint Committee on the Library is authorized and directed to provide for the utilization of a part of the unfinished portion of the historical frieze in the rotunda of the Capitol to portray the story of aviation in the United States. For that purpose the joint committee shall select a design which appropriately depicts such story, including the portrayal of the all-important achievements of Wilbur Wright and Orville Wright, and shall employ such artists as may demonstrate to the satisfaction of the joint committee their ability to perform the work in a proper manner.

SEC. 2. There is hereby authorized to be appropriated the sum of $20,000, or so much thereof as may be necessary, to carry out the purposes of this joint resolution.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to strike out the whereases at the beginning of the joint resolution.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF SITE FOR POST-OFFICE BUILDING IN POPLARVILLE, MISS.

The Clerk called the next bill, S. 1725, relating to the acquisition of the site for the post-office building to be constructed in Poplarville, Miss.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 3741 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U. S. C., 1934 ed., title 18, secs. 204 and 205) shall not be applicable with respect to any contract or agreement entered into by or on behalf of the United States for the acquisition of any part of the site for the post-office building to be constructed in Poplarville, Miss.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING POSTAL ACT

The Clerk called the next bill, H. R. 4932, to amend the act of March 3, 1879, "Postal Laws and Regulations."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved March 3, 1879, "Postal Laws and Regulations" (20 Stat. 359, sec. 520, third paragraph), is hereby amended to read as follows:

"Paragraph third: It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such

as distinguish books for preservation from periodical publications. (The paper cover of the publication may have a coating or cover of thin transparent sheeting of cellulose derivative or it may be laminated to a film of cellulose derivative.)

With the following committee amendments:

Page 1, line 8, after the word "distinguish", insert the word "printed".

Page 2, line 1, after the word "periodical", strike out the balance of the line, all of lines 2 and 3, and in line — strike out the words "film of cellulose derivative" and insert: "publications: *Provided*, That publications produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of this clause: *Provided further*, That the paper cover of a publication may have a coating or cover of thin transparent sheeting of cellulose derivative or it may be laminated to a film of cellulose derivative."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of March 3, 1879, as amended."

A motion to reconsider was laid on the table.

KLAMATH INDIAN TRIBAL FUNDS

The Clerk called the next bill, H. R. 2738, providing for the disposition of certain Klamath Indian tribal funds.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the request.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I object.

TRANSFER OF ACCUMULATED SICK AND ANNUAL LEAVE TO POSTMASTER APPOINTEES

The Clerk called the next bill, H. R. 5784, to provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER. Reserving the right to object, Mr. Speaker, I would like to have somebody explain why such a bill as this should be taken up?

Mr. RAMSPECK. The reason for it is that when a civil-service employee is promoted to the position of postmaster, under the present law he loses his accumulated sick leave. Under existing law an employee has a right to accumulate sick leave up to 60 days as a back-log to take care of a serious illness.

This simply would do justice to those employees who may be fortunate enough to be promoted; it puts them on the same basis with other employees.

Mr. TABER. But it gives those who are appointed postmasters opportunity to take long vacations when they are supposed to be on the job with a moderate vacation each year to look after things. It looks to me as though it would upset the operation of the Post Office Department.

Mr. RAMSPECK. I call the gentleman's attention to the fact that the Fourth Assistant Postmaster General has approved the bill. It does not add anything to what the employees generally have. It simply cures a defect in existing law and applies the same rule to these people that is now applied generally in the Federal service.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BESTOWAL OF MEDALS UPON CIVIL EMPLOYEES OF UNITED STATES

The Clerk called the next bill, S. 1582, to authorize the President to bestow a Meritorious Service Medal upon civil-service officers and employees of the United States, and for other purposes.

Mr. KNUTSON. Mr. Speaker, reserving the right to object, as I understand this measure, it proposes to create a bemedaled class in this country. Anyone who has rendered outstanding service involving great physical bravery, or heroism, or performance of service to the Government, or for humanity characterized by exceptional merit and involving a high degree of labor or effort above and beyond the ordinary and usual requirements of his office shall be decorated with this medal.

I wonder if the gentleman would be willing to accept an amendment that would also include bureau chiefs who have a surplus on hand at the end of the fiscal year which they cover back into the Treasury? I think these heroes should be suitably recognized, yet this bill absolutely ignores them. Napoleon understood the value of conferring medals. He said it was cheaper to give a man a medal than it was to raise his pay. Now, if we could have assurance that when a civil employee of the Government had rendered some outstanding service, such as accumulating a surplus at the end of the fiscal year, or perhaps rescuing a stenographer as she was falling into a water cooler, if he would agree that after he had received the medal he would not come before Congress and ask for an increase in pay because of the fact that he belonged to the bemedaled aristocracy, this measure would not be very objectionable.

I can see some merit in this measure, of course. We might be able with the vast army of employees we now have to use a considerable portion of the gold and silver we have stored in Kentucky and at West Point in casting medals.

Mr. GARRETT and Mr. VAN ZANDT demanded the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection to the present consideration of the bill?

Mr. KNUTSON. Mr. Speaker, I will have to object until I can ascertain where we are going to get the metal from which to cast the medals.

The SPEAKER pro tempore. Objection is heard.

TERM OF COURT, NORTHERN DISTRICT OF TEXAS

The Clerk called the next bill, H. R. 6672, to amend the act entitled "An act to create a new division of the District Court of the United States for the Northern District of Texas," approved May 26, 1928 (45 Stat. 747).

Mr. RICH. Mr. Speaker, reserving the right to object, I call the attention of the membership to the fact that whenever we create one of these new judgeships we are under the impression that the only monetary outlay involved is the $10,000 a year salary. It was brought out by the Treasury Department on the last appropriation bill, Mr. Speaker, that it costs $110,000 a year for every one of these new judgeships set up. I do not know whether this one is necessary, but I am not going to object to it. I do feel it my duty, however, to call attention to the cost involved in creating new judgeships.

Mr. MAHON. Mr. Speaker, this bill merely provides that the court shall meet in November rather than in December for its term. The judgeship has already been created.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act to create a new division of the District Court of the United States for the Northern District of Texas, approved May 26, 1928 (45 Stat. 747), be, and is hereby, amended to read as follows:

"That there is hereby created, in addition to those now provided by law, a new division of the District Court of the United States for the Northern District of Texas, which shall include the territory now embraced in the counties of Bailey, Borden, Lamb, Floyd, Kent, Motley, Hale, Dickens, Crosby, Lubbock, Scurry, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dawson, and Gaines, which shall constitute the Lubbock division of said district. Terms of the district court for the Lubbock division shall be held at Lubbock on the third Monday in May and the fourth Monday in November.

"The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy, in addition to the

places now provided, at Lubbock, which shall be kept open at all times for the transaction of the business of the court."

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISTRICT JUDGE, WESTERN DISTRICT OF WASHINGTON

The Clerk called the next bill, H. R. 6167, to provide that the district judge for the western district of Washington, authorized to be appointed under the act of May 31, 1938, shall be a district judge for the eastern and western districts of Washington.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PHILIPPINE INDEPENDENCE

The Clerk called the next bill, H. R. 7096, to amend an act entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes."

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIAL OF FEDERAL JUDGES ON THE ISSUE OF GOOD BEHAVIOR

The Clerk called the next bill, H. R. 5939, to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADMINISTRATION OF UNITED STATES COURTS

The Clerk called the next bill, H. R. 5999, to provide for the administration of the United States courts, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LICENSING OF CIVILIAN MILITARY ORGANIZATIONS, ETC.

The Clerk called the next bill, H. R. 5138, to make unlawful attempts to overthrow the Government of the United States; to require licensing of civilian military organizations; to make unlawful attempts to interfere with the discipline of the Army and Navy; to require registration and fingerprinting of aliens; to enlarge the jurisdiction of the United States Circuit Court of Appeals in certain cases; and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COFFEE of Washington. Mr. Speaker, I object.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT

The Clerk called the joint resolution (H. J. Res. 342) relating to section 322 of the Agricultural Adjustment Act of 1938, as amended.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That notwithstanding the provisions of section 322 of the Agricultural Adjustment Act of 1938, as amended, the determinations under subsection (c) may be proclaimed at any time prior to September 15, the result of the referendum under subsection (d) may be proclaimed at any time prior to October 10, and the marketing percentage under subsection (b) shall be 100 percent.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO SECTION 335 (C) OF AGRICULTURAL ADJUSTMENT ACT OF 1938 AS AMENDED

The Clerk called the joint resolution (H. J. Res. 343) to amend section 335 (c) of the Agricultural Adjustment Act of 1938, as amended.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That section 335 (c) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(c) The farm marketing quota for any farm for any marketing year shall be a number of bushels of wheat equal to the sum of—

"(1) A number of bushels equal to the normal production or the actual production, whichever is the greater, of the farm acreage allotment; and

"(2) A number of bushels equal to the amount, or part thereof, of wheat from any previous crop which the farmer has on hand which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the wheat actually marketed during such preceding marketing year, could have been marketed without penalty.

"(3) Any farmer who does not market wheat in excess of the normal production or the actual production, whichever is the greater, of the farm acreage allotment shall not be subject to penalty under the provisions of section 339. Any farmer who stores, in accordance with regulations issued by the Secretary, an amount of wheat which is less than the amount subject to penalty, shall be presumed to have marketed the amount of such wheat subject to penalty which is not so stored."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CEMETERY WITHIN CRAB ORCHARD CREEK DAM PROJECT, ILLINOIS

The Clerk called the next bill, H. R. 5764, to provide for the establishment of a cemetery within the Crab Orchard Creek Dam project, Williamson County, Ill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subject to the provisions of section 2, the Soil Conservation Service, Department of Agriculture, is authorized and directed to remove the bodies buried within the area of the Crab Orchard Creek Dam project, Williamson County, Ill., from their present location and reinter such bodies in any land within the area of such project which may be available for use as a cemetery. The cemetery so established shall be designated a national cemetery, but shall not be under the supervision of the Department of War.

SEC. 2. The provisions of section 1 shall not be carried out until after the formation by private interests of a corporation for the operation and maintenance of such cemetery on a nonprofit basis.

With the following committee amendment:

Page 1, line 9, after the word "cemetery", strike out the balance of line 9 and all of lines 10 and 11.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD

The Clerk called the next bill, S. 2170, to improve the efficiency of the Lighthouse Service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted., etc., That section 9 of the act approved June 17, 1910 (36 Stat. 538; U. S. C., title 33, sec. 716), is amended to read as follows:

"The Commissioner of Lighthouses is authorized to employ temporarily at the seat of government, draftsmen and engineers for the preparation of plans and specifications for tenders, light vessels, lighthouses, aids to navigation, and other works for the Lighthouse Service that may be authorized or appropriated for by Congress, to be paid from the appropriations applicable to such work."

SEC. 2. Section 4661 of the Revised Statutes (U. S. C., title 33, sec. 727) is amended to read as follows:

"No lighthouse beacon, public pier, or landmark shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States: *Provided*, That cession of jurisdiction shall not be required in the case of sites lying under navigable waters of the United States."

SEC. 3. The Secretary of Commerce is authorized to acquire by purchase and/or lease the necessary land for locating a lighthouse depot at or in the vicinity of St. Louis, Mo., and he is authorized to erect thereon such wharves, docks, buildings, or other structures as he may determine to be necessary or suitable for the purposes of the lighthouse depot.

SEC. 4. The Secretary of Commerce is authorized to purchase a site for a servicing base for the Lighthouse Service at or in the vicinity of Atlantic City, N. J.

SEC. 5. The Secretary of War is authorized to transfer to the Department of Commerce for lighthouse purposes the tract of land no longer needed for military purposes and comprising the whole of tract No. 2 of the United States Military Reservation on Yerba Buena Island in San Francisco Bay, State of California, containing 26.51 acres, more or less, exclusive of the two parcels, together containing 2.69 acres, now under the control and jurisdiction of the Navy Department, all as shown on map No. 6797–101, entitled "Yerba Buena Island, Calif. (Goat Island) Reservation Map," dated December 1935, revised to May 21, 1938, on file in the office of the Quartermaster General, War Department, Washington, D. C., the specific tract of land to be more fully described by metes and bounds at the time of transfer.

SEC. 6. The Secretary of Commerce is authorized and empowered to lease for a period not to exceed 25 years to the New York Central Railroad Co., a corporation organized and existing under and by virtue of the laws of the State of New York and other States, its successors and assigns, for railroad-track purposes, that portion of the Rochester Harbor Lighthouse property at Charlotte, N. Y., now occupied by wye track of said railroad company under the terms and provisions of a revocable license granted by the Department of Commerce, which license expires by limitation during 1939, or such modification thereof as may be deemed to be in the public interest. The New York Central Railroad Co. for such use of the property in question shall pay the same yearly rental as stipulated in stated existing revocable license or such yearly rental as may be hereafter determined by the Secretary of Commerce, at his discretion: *Provided,* That nothing herein contained shall grant or convey or be held to grant or convey to said railroad company, its successors or assigns, during such time as it or they may hold, said land under the lease hereby authorized nor any right or privilege to take or remove any of such land or structures other than the property of the said railroad company: *Provided further,* That the Secretary of Commerce may at any time during the said lease period of 25 years, at his discretion, terminate and cancel said lease, in case said company shall fail to comply with the stipulated terms or conditions. It shall also be stipulated in the lease hereby authorized that upon termination or expiration the said railroad company shall promptly remove from the land all of its property and restore the same to the condition when first taken or condition otherwise satisfactory to the Government.

SEC. 7. That so much of sections 1 and 2 of the act approved July 30, 1937 (50 Stat. 549), entitled "An act to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain structures, and for other purposes," as reads in the enacting clause "to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York," and in section 1 "to convey to the Commissioners of the Palisades Interstate Park" is hereby amended to read "to convey to the Palisades Interstate Park Commission, a body corporate and politic established by compact between the States of New York and New Jersey, authorized by joint resolution of Congress approved August 19, 1937" (50 Stat. 719), and so much of section 2 as reads "In exchange for the property to be transferred to the Commissioners of the Palisades Interstate Park shall transfer title to the United States to" is hereby amended to read "The Secretary of Commerce is also authorized to accept on behalf of the United States."

With the following committee amendments:

Page 1, line 3, after the word "That" insert the words "the last clause of."

Page 1, line 6, strike out the words "The Commissioner of Lighthouses" and insert in lieu thereof the words "and the Commandant of the Coast Guard."

Page 1, line 9, strike out the words "tenders, light vessels," and insert in lieu thereof the word "vessels."

Page 1, line 10, strike out the words "Lighthouse Service" and insert in lieu thereof the words "Coast Guard."

Page 2, lines 1 to 7, inclusive, strike out all of section 2.

Page 2, line 8, strike out the figure "3" and insert in lieu thereof the figure "2."

Page 2, line 8, strike out the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of the Treasury."

Page 2, line 10, strike out the word "lighthouse" and insert in lieu thereof the words "Coast Guard."

Page 2, line 13, insert a period after the word "necessary" and strike out the remaining language of the section which reads "or suitable for the purposes of the lighthouse depot."

Strike out the figure "4" and insert in lieu thereof the figure "3."

Page 2, line 15, strike out the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of the Treasury."

Page 2, lines 16 and 17, strike out the words "Lighthouse Service" and insert in lieu thereof the words "Coast Guard."

Page 2, line 18, strike out the figure "5" and insert in lieu thereof the figure "4."

Page 2, line 19, strike out the words "Department of Commerce for lighthouse purposes" and insert in lieu thereof the words "Treasury Department for the use of the Coast Guard."

Page 3, line 9, strike out the figure "6" and insert in lieu thereof the figure "5."

Page 3, line 9, strike out the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of the Treasury."

Page 3, line 24, strike out the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of the Treasury."

Page 4, lines 6 and 7, strike out the words "Secretary of Commerce" and insert in lieu thereof the words "Secretary of the Treasury."

Page 4, lines 16 to 25, and page 5, lines 1 to 11, both inclusive, strike out all of section 7 and insert in lieu thereof the following:

"SEC. 6. Section 1 of the act entitled 'An act to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes,' approved July 30, 1937 (50 Stat. 549), is amended by striking out 'the Commissioners of the Palisades Interstate Park' and inserting in lieu thereof 'the Palisades Interstate Park Commission, a body corporate and politic established by compact between the States of New York and New Jersey, authorized by joint resolution of Congress approved August 19, 1937 (50 Stat. 719)'; and section 2 of such act of July 30, 1937, is amended by striking out 'In exchange for the property to be transferred the Commissioners of the Palisades Interstate Park shall transfer title to the United States to' and inserting in lieu thereof 'The Secretary of the Treasury is also authorized to accept on behalf of the United States.' "

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to improve the efficiency of the Coast Guard, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE TREASURY TO CONVEY AN EASEMENT IN CERTAIN LANDS TO THE CITY OF NEW YORK

The Clerk called the next bill, H. R. 6880, authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

Mr. BUCKLEY of New York. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BUCKLEY of New York and Mr. RUTHERFORD objected.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point and to include a letter addressed to me July 15, 1939, by Albert S. Bard, vice chairman of the Central Committee of Organizations Opposing the Battery Toll Bridge, which letter is in opposition to the bills H. R. 6880 and S. 2662; also an editorial which appeared in the New York Herald Tribune of yesterday, July 16, in opposition to these two bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. CHURCH]?

There was no objection.

The matters referred to follow:

CENTRAL COMMITTEE OF ORGANIZATIONS OPPOSING
THE BATTERY TOLL BRIDGE,
New York, July 15, 1939.

HON. RALPH E. CHURCH,
Member of Congress, New House Office Building,
Washington, D. C.

DEAR MR. CHURCH: I gladly respond to your request for facts concerning the Battery Bridge project. My statement relates principally to the following points:

1. The Federal Government is involved. The matter is not just a local one. National interests are damaged.

2. The bridge is a new proposal. For 10 years it was supposed that we were to have a tunnel and the War Department approved of that.

3. This spring the War Department refused its consent to the first plan for a bridge, holding it to be an obstruction to navigation. The War Department has not yet passed upon the present revised plan. The bridge briefly described.

4. The bridge would irreparably damage little historic Battery Park and the neighborhood, ruining famous views of and in lower Manhattan. Senator WAGNER's assurance that there are no objections to the plan is greatly mistaken. Both the bridge itself and the plan to carve out of the park an additional building site are widely objected to in New York. Senator WAGNER is also mistaken in saying that the city has promised to cede to the Government a new water-front site in the park.

5. The existing situation briefly summarized; also a warning as to well-known local sentiment concerning invasions of New York parks for other than park purposes.

6. Attention is called to this committee's "Open Letter to the President" (a printed pamphlet) stating its position in opposition to the bridge. New York experience demonstrates that this type of bridge always blights the neighborhood and property values. The cost figures put out by the proponents of the bridge omit this factor and are therefore misleading.

7. Financing the bridge. Skepticism concerning earning power as claimed.

8. Other alternatives should be studied.

9. The matter should be turned back to the City Planning Commission. An appeal to Congress not to pass the Wagner-Cullen bill.

The statement below follows the paragraph numbering above.

1. The project affects the Brooklyn Navy Yard and Governors Island in the Upper Bay, and therefore national defense; also the barge office in Manhattan, above which it is proposed to build the bridge; also the Battery Park facade of the customhouse in front of which it is proposed to erect a gigantic sloping ramp wider than Broadway, on stilts. This construction is condemned with practical unanimity by the architects and landscape architects as seriously damaging to the appearance of lower Manhattan, both from the water and the land, and by other experts as ruining the famous and characteristic "gateway" to the city. As one artist says: "This bridge, if built, would destroy the most noble aspect of the island of Manhattan and in doing that destroy also the most noble aspect of the principal entrance to our country." At the point where now projected the bridge is hopelessly incongruous with its site and neighborhood.

The project raises questions of access to and from the Brooklyn Navy Yard; of possible destruction, complete or partial, by act of enemies, external or internal, and of possible obstruction to East River at a critical moment, to say nothing of ordinary obstruction of navigation; of a new argument for the removal of Brooklyn Navy Yard to another location, with the consequent Federal expense; of the undesirability of such a lofty structure upon the edge of the Governors Island military post, overlooking it and almost overhanging it; of the interference of its four lofty towers with military aviation; of the changes in Governors Island piers to avoid the obstruction created by the two large anchorages on the edge of Government land and by the two new towers adjoining, with the consequent expense of such pier changes; and of damage to the barge office and the customhouse, to say nothing of the damage to the Nation's commercial capital and chief seaport.

All these considerations emphasize the fact that the project has important national aspects. It is not just a question of a local bridge.

2. As a public question, the matter goes back only to January 25, 1939, when the proposal was first broached by Commissioner Robert Moses, who is not only park commissioner of New York City but also head of the Triborough Bridge Authority, to which it is proposed to entrust the construction of the bridge and its administration until it is paid for out of its expected (or assumed) tolls.

Prior to January of this year it had been the assumption for 10 years that an East River crossing from the Battery to Brooklyn would be by tunnel, and the War Department had approved of that.

3. The original proposal brought forward in the spring was for two suspension bridges of equal size placed in tandem in a straight line from Battery Park, Manhattan, to Hamilton Avenue, Brooklyn, having a combined length of a mile and a quarter and passing across East River 600 feet northeast of Governors Island. This plan located a large double anchorage and two great towers in the middle of the waterway between Manhattan and Brooklyn.

The city was assured by the Triborough Bridge Authority that this would have "no adverse effect upon the navigation of vessels in the East River, the Battery, or Manhattan Channel, Buttermilk Channel (between Governors Island and Brooklyn), or the balance of the waterway in that vicinity."

At a hearing before the local district engineer of the Army, Col. C. L. Hall, on April 25, 1939, this assurance was strenuously combatted by navigational interests, and the War Department later agreed with them and refused its consent to the project, holding that the proposal would be an unreasonable obstruction to navigation.

Thereupon the Triborough Bridge Authority brought forth its present project, which is still pending undetermined before the War Department.

The new plan retains the two suspension bridges, but gives a longer span to the Manhattan member of the pair. The end towers and anchorages are placed approximately where the first plan placed them, but the central anchorages (now 2 instead of 1) and the central towers are moved to points just off Governors Island, some 500 or 600 feet from their original positions, and close to the piers of that military post. The existing piers will accordingly have to be relocated by the Government. The two bridges are now planned in a dog-leg arrangement, with the Manhattan member considerably taller and bigger than its Brooklyn mate. The angle between them comes, of course, at the two central anchorages.

The Triborough Bridge Authority claims that the new plan has led to a withdrawal of all navigational objections. But the organizations represented by this committee have not withdrawn their objections upon that ground, although they admit that the second plan is less objectionable from that point of view than the plan which the War Department rejected. Aesthetically, of course, the dog-leg bridge, with unequal spans and towers, will be uglier than the original design.

4. The main aesthetic objection, however, is the invasion of historic little Battery Park by the huge Manhattan approach to the bridge.

The city of New York at long last is getting rid of the blight of its ugly, darkening, obstructive, and noisy elevated railroads. It has also just cleared out of City Hall Park the old Federal post-office and court building which another planning mistake had placed there. It ought not now perpetrate another mistake by submerging Battery Park under a giant ramp 85 or 90 feet wide, running the whole length of the park on huge, ugly stilts. This argument is more fully developed in the "open letter to the President" referred to in 6 below.

For many, many years New York has resented attempted invasion of her precious and inadequate parks for other than park purposes. This is known to all men. So it is difficult to conceive how in the Senate on July 13 Senator WAGNER, of New York, asking for unanimous approval of the Wagner-Cullen bill authorizing the Secretary of the Treasury to permit the bridge to pass above the Barge Office, could say to his colleagues, "I cannot imagine any objection at all to the bill." If Senator WAGNER is led to believe that there is no objection to the bill he is being badly misinformed, for there is widespread and militant objection on the part of individuals, organizations, and business institutions. And it is doubly inconceivable how he could say what he is recorded as saying in view of the fact that the permission to carry the bridge above the Barge Office, and so through the park, was coupled with a proposal to carve from Battery Park and convey to the Federal Government an additional 105 feet of water-front property for an extension of the Barge Office, to offset the damage the bridge would be to the present Barge Office.

Senator WAGNER, as quoted in the CONGRESSIONAL RECORD (p. 12612), made still another surprising statement. He told the Senate that the city of New York, in consideration of the granting of the easement to carry the bridge above the barge office, "has agreed to convey to the Federal Government certain properties," meaning the 105 feet of water-front land to be carved out of Battery Park. The fact is very different. So far from the city having made any such agreement, the matter had not even been publicly suggested until the idea was published in the newspapers this week in connection with the Wagner-Cullen bill. Neither the mayor nor the park commissioner has the power to make any such agreement, and there is, furthermore, a serious legal question whether under the charter of the city this particular land is not inalienable.

5. The present situation seems to be as follows:

This proposed bridge cannot be located where now suggested unless the Manhattan end passes above the barge office. The Federal Government will not consent to that easement unless it receives a grant of an additional site to be carved out of Battery Park. There is grave doubt if the city of New York will stand for that. A very large body of public opinion will be opposed to it.

The responsible organizations represented by this committee will certainly regard that plan as an additional offense to the city and to Battery Park, only increasing the original blunder in planning.

6. This committee has prepared a printed pamphlet containing "an open letter to the President and his advisers, requesting further study of the Battery toll-bridge project." This went to the President very recently and copies were sent afterward to all the Senators and Members of Congress.

That pamphlet presents our arguments against the proposed bridge more adequately than I have attempted here to state them. It calls attention to the fact that the press generally is opposed to the project and favors further study as requested by this committee before action is taken.

The pamphlet also refers very briefly to the experience of New York City in connection with the disastrous effect of high-level bridges built through and above developed property. The fact is that in the case of every such bridge in New York the property in the neighborhood of the bridge approaches, and for a considerable area around, has suffered a blight. Bridges with plenty of open space at the bridgeheads—like the George Washington Bridge across the Hudson River—are a different proposition. Tunnels also are different. In the case of the Holland Tunnel (the only local tunnel with portals in developed areas and having as yet a sufficient experience to base a judgment upon), the neighborhoods of the portals have appreciated in value. These facts indicate the close relationship between the amenity of a neighborhood and its money value, and are proof, if any were required, of the blighting effect of high-level viaducts over developed areas.

The Battery Bridge would seriously impair land and building values in lower Manhattan. In making comparison of the costs of bridge and tunnel, respectively, the Triborough Bridge Authority wholly omits this factor and the resulting loss of taxes to the city. In consequence its figures are misleading.

Confessedly the local authorities in charge have made inadequate studies of a highly complicated and difficult matter.

7. The proponents of the bridge claim that it will be a self-sustaining enterprise—paying for itself out of the tolls to be charged. The figures disclosed by them are somewhat sketchy. They have not replied to inquiry concerning the origins and destinations of the traffic they assume; nor concerning their estimate of traffic which will abandon the nearest free bridges to patronize a toll bridge. In one breath they urge the necessity of providing new trucking facilities for the Brooklyn water front, but in the next admit that all such commercial traffic plus an undefined percentage of local passenger vehicles will be only 25 percent of the estimated bridge traffic. In other words, considerably more than 75 percent of the estimated bridge traffic will be passenger vehicles having nothing to do with the commercial interests of the Brooklyn water front.

It is a fact that vehicular ferry service between Manhattan and Brooklyn was recently abandoned because of insufficient patronage, so much of the traffic prefers to use the free bridges.

In spite of this uncertainty as to traffic the bridge proponents proclaim their ability to sell enough bonds either to the Federal Government or its agencies or to private bankers, or both, to finance the bridge. Of course, there is no guaranty by the city that either the Government or the public will get its money back. The city assumes no obligation in that connection. In fact, the city of New York has about exhausted its credit. Like so many other municipalities, debt, depression, emergency taxes, and other commitments have brought the city to its legal and practical limits.

8. Other alternatives to the bridges have been proposed. As yet they have received insufficient study. With time for more consideration still other solutions of the problem might be suggested. The only objection raised, even by Commissioner Moses, to the ideal solution—a tunnel—is the financial problem involved. He claims his bridge would cost only half as much as the tunnel, but omits figures as to indirect damage and cost, as well as public commitment to many details of his proposal.

9. As a result of the above situation the committee I represent has asked that the project be returned to the city planning commission for further study, and that meanwhile the whole matter be held in abeyance.

This also is our appeal to Congress. No emergency exists for precipitate present action. The existing proposal is highly objectionable to large classes of citizens and responsible organizations and should be shelved for the present.

The Merchants Association of New York, the Real Estate Board of New York, the West Side Association of Commerce, the New York Building Congress, the Central Mercantile Association, the Broadway Association, the Fine Arts Federation of New York, with its 17 auxiliary organizations, and their colleagues, the various neighborhood, architectural, civic, and other organizations represented by this central committee of organization opposing the Battery Toll Bridge, are well-known and influential organizations. For their views they respectfully request and are entitled to serious consideration.

Yours very truly,

ALBERT S. BARD, *Vice Chairman.*

[From the New York Herald Tribune of July 16, 1939]

MR. MOSES IN BATTERY PARK

It appears, from the report of the House Committee on Public Buildings and Grounds, that Mr. Moses is prepared to give away part of Battery Park to the Treasury Department, so that he can build his bridge to Brooklyn. A vote on this plan—technically, a vote to permit the Treasury to grant an easement on the existing barge office property in return for a piece of park land of equal size immediately adjoining it to the west—is scheduled for tomorrow in the House, and it is reported that unanimous consent for immediate passage will be asked.

We suppose it is all right for Mr. Moses to want park lands; he is the master of parks in this city as well as in the State. He has promised to make Battery Park bigger, better, and more beautiful when his bridge is completed. His plans involve filling in 2 acres of land beyond the present bulkhead line, new planting, grading, and landscaping. But, regardless of Mr. Moses' undoubted abilities as a builder and planner, it would seem that the public might have some right to know what is happening to its property.

The first knowledge of the gift to the Treasury—land which is a part of the old Quigley grant, originally established for the exclusive use of the Whitehall boatmen—came in a letter from the Acting Secretary of the Treasury to the House committee, in which the offer of the new site for the barge office was "informally represented" by Mr. Moses. Even if the House permits the granting of the easement, the city planning commission and the board of estimate will still have to ratify Mr. Moses' gift, and it is not unlikely that the State legislature will have to be consulted. Perhaps it is just as well that we have heard about it.

Explicitness in public life is a wonderful thing, and no less important than foresight. Mr. Moses certainly has the latter virtue; let us hope he will soon acquire the former.

Mr. CHURCH. Mr. Speaker, referring to this editorial, Mr. Bard points out:

First. That no application has been made to the War Department to fill in the 2 acres of land beyond the present bulkhead line, and so forth.

Second. That navigation interests are opposed to it.

Third. That wholly insufficient money is available, were it advisable.

Fourth. That a promise by Mr. Moses commits no one.

Mr. Speaker, there seems to be plenty of opposition to the bill (Consent Calendar No. 354) that justifies objection to its consideration on the Consent Calendar.

MENOMINEE INDIAN DELEGATES

The Clerk called the next bill, H. R. 4831, authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Menominee General Council, members of the Menominee Advisory Council, and official delegates of the Menominee Tribe.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

ACCEPTANCE OF EASEMENT TO CERTAIN LANDS IN NEW MEXICO

The Clerk called the next bill, S. 1558, to provide for the acceptance of an easement with respect to certain lands in New Mexico, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, there is no very enlightening committee report on this bill, and I do not know what it is about. The committee report merely calls attention to the bill and recommends its passage. Inasmuch as we do not have time to dig into the statutes and read the hearings on this bill, I thing the committee should bear in mind that it is going to be the policy of the official objectors to have these bills go over long enough to find out what they are all about, and I refer to the bills wherein an adequate committee report does not accompany the bill. We have done this several times before, and I hope the Public Lands Committee will not fall into the habit of reporting bills with reports such as this. Just what is this bill about?

Mr. DEMPSEY. Mr. Speaker, may I say to the gentleman from Michigan that this bill provides that the State of New Mexico may give to the Federal Government an easement to this project which has already been completed in New Mexico, in order that it can cooperate in the development at that point. It does not involve a cent of additional expense. We are just giving an easement to the Federal Government on the promise of the Government to accept that easement.

Mr. WOLCOTT. The Public Works Administrator is directed to acquire by purchase, condemnation, or otherwise, such lands and interests in land as he may deem necessary. How does he hold that land?

Mr. DEMPSEY. There are no other lands to be acquired, as far as I know.

Mr. WOLCOTT. What is the necessity of section 2 of the bill, then?

Mr. DEMPSEY. I really know of no necessity, unless it is land that the State government has out there that it is able to put in this project; but we are not asking for any appropriation in connection with this matter, and we are not going to ask for any.

Mr. WOLCOTT. This authorizes the Public Works Administrator to take by condemnation lands for use in connection with the maintenance of the dam and reservoir and to carry out the purposes of the act.

Mr. DEMPSEY. I may say to the gentleman it is my understanding that the project is entirely completed. I know of no reason for acquiring any additional lands out there. The Department suggested this measure just as it is.

Mr. WOLCOTT. In section 3 of the bill we authorize the use of the W. P. A. money in acquiring land. This is rather unusual. I believe this procedure has been followed in but very rare instances. I understand that it may be justifiable in the case of a works project where a large number of men may be employed, but it is not customary to authorize the W. P. A. to acquire land.

Mr. DEMPSEY. This is a project that is unlike most other projects in that when they are completed they belong to the county or the State, but in this instance the Federal Government is retaining a permanent easement, and that is the reason for this provision.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. I object, Mr. Speaker.

DISPOSITION OF CERTAIN RECORDS OF THE UNITED STATES GOVERNMENT

The Clerk called the next bill, H. R. 6585, to provide for the disposition of certain records of the United States Government.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever any agency of the United States Government has in its custody an accumulation of records that are not needed by it in the transaction of its current business and that appear to it to have no permanent value or historical interest, the head of such agency shall submit a written report thereon to the Archivist of the United States in which he shall state the location and describe the character and volume of such records so as to enable the Archivist to identify them. Said report shall be submitted in triplicate and shall be accompanied by samples of the several kinds of records listed therein.

SEC. 2. When used in this act, the word "records" means originals or copies of motion-picture or other photographic records in any form whatsoever, sound recordings, correspondence, papers, indexes, maps, charts, plans, drawings, punch cards, tabulation sheets, pictures, and other kinds of records belonging to the United States Government.

SEC. 3. The Archivist, with the approval of The National Archives Council, shall submit to Congress, at such times as he shall deem expedient, lists of records reported to him in the manner prescribed by section 1 of this act that appear to him to have no permanent value or historical interest to the Federal Government.

SEC. 4. Whenever the Archivist shall submit to Congress, in compliance with the provisions of section 3 of this act, lists of records that appear to him to have no permanent value or historical interest to the Federal Government, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee, to which such lists shall be referred, and said joint committee shall meet and examine said lists and submit to the Senate and House of Representatives, respectively, a report of such examination and their recommendation.

SEC. 5. If such joint committee report that any of the records described in the lists referred to them are not needed or useful in the transaction of the current business of the agency by which they were reported to the Archivist and have no permanent value or historical interest to the Federal Government, then it shall be the duty of the head of said agency to dispose of said records by one of the following methods:

(a) By sale, upon the best obtainable terms after due publication of notice inviting proposals therefor;

(b) By causing them to be destroyed;

(c) By transfer (without cost to the United States Government) to any State or dependency of the United States of America or to any appropriate educational institution, library, museum, historical, research, or patriotic organization therein, that has made application to him therefor, through the Archivist of the United States. All moneys derived from the sale of such records shall be paid into the Treasury of the United States by said agency.

If said joint committee shall fail to make a report during any regular or special session of Congress on any list of records that has been submitted to Congress by the Archivist not less than 10 days prior to the adjournment of such session, the Archivist may empower the agency by which such records were reported to him to dispose of them by any of the methods prescribed in this section.

If it shall appear to the Archivist that any records, that bear form number or form letters, or that are of the same specific kind, reported to him in the manner prescribed by section 1 of this act, while Congress is not in session, have no permanent value or historical interest and have the same form numbers or form letters or are of the same specific kind as other records of the same agency previously authorized for disposition by Congress, he may empower said agency to make disposition of said similar records by any of the methods prescribed in this section.

The Archivist shall submit to Congress at the beginning of each session a descriptive list of all records authorized for disposition by him during the preceding recess of Congress.

SEC. 6. When any records of the United States Government have been disposed of in accordance with the provisions of section 5 of this act, the head of the agency making such disposition shall submit a written report thereon to the Archivist of the United States in which he shall describe the character and volume of such records and state when and by what method the disposition thereof was accomplished. If any of the records described in a particular report are shown thereby to have been sold, such report shall give the amount of the purchase price received therefor and the total cost of effecting such sales. Said report shall also give the names and post-office addresses of all institutions, associations, or other organizations to which any records therein described have been transferred.

SEC. 7. The Archivist of the United States shall transmit to Congress, at the beginning of each regular session, a concise summarization of the data contained in the reports filed with him by heads of agencies of the Government during the preceding fiscal year in compliance with the provisions of section 6 of this act.

SEC. 8. Whenever the Archivist shall determine that any records in his custody, or which have been reported to him by any agency under the terms of section 1 of this act, are a continuing menace to human health or life or to property, he shall cause such records to be destroyed immediately at such place and by such method as he shall select: *Provided, however,* That if said records have been transferred to his custody, he shall report the disposition thereof to the Congress and to the agency from which they were transferred.

SEC. 9. Whenever it shall appear to the Archivist that there are in his custody any records that are without permanent value or historical interest to the Federal Government he shall submit lists thereof to Congress in the manner provided by section 3 of this act: *Provided, however,* That the Archivist shall not report to Congress, under the provisions of this section, records of any existing agency of the United States without the written consent of the said agency.

SEC. 10. The procedures herein prescribed to be followed are exclusive, and no records of the United States Government may be alienated or destroyed except by authority sought and obtained under the provisions of this act.

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

With the following committee amendments:

Page 1, line 9, after the word "character" strike out "and volume."

Page 4, line 4, after "records" strike out "that bear form number or form letters, or that are of the same specific kind."

The Committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONUMENT TO FATHER PIERRE GIBAULT

The Clerk called the joint resolution (H. J. Res. 219) to provide for the erection of a monument to the memory of the patriot priest Father Pierre Gibault.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GLACIER NATIONAL PARK, MONT.

The Clerk called the next bill, H. R. 2185, to authorize the addition to Glacier National Park, Mont., of certain property acquired for the establishment and operation of a fish hatchery, and for other purposes.

Mr. BLAND. Mr. Speaker, for the present I will have to ask unanimous consent that this bill be passed over without prejudice. The right to determine matters with respect to fish hatcheries is in the Committee on Merchant Marine and Fisheries. I understand there is an amendment that is intended to be added to the bill. I do not believe bills with regard to fish hatcheries should be considered by the Committee on Public Lands, and therefore ask that the bill be passed over without prejudice.

Mr. O'CONNOR. Mr. Speaker, I have the amendment prepared, so I object to the bill's being passed over.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, will the gentleman state the purpose of the bill?

Mr. O'CONNOR. The bill is for the purpose of establishing a fish hatchery near Glacier National Park and it is now in the course of construction. An allotment of about $56,000 has already been made by P. W. A. to buy the land and build the hatchery.

Mr. McCORMACK. Is it in Montana?

Mr. O'CONNOR. It is in Montana. I might add that it is the only available place where fish can be produced for miles around.

Mr. McCORMACK. That satisfies me, as I have the utmost faith in the gentleman from Montana.

Mr. O'CONNOR. I thank the gentleman.

Mr. BLAND. Reserving the right to object, Mr. Speaker, I wish to say that I understand that the amendment will place the operation of this fish hatchery in the hands of the Bureau of Fisheries.

Mr. O'CONNOR. The gentleman is correct.

Mr. BLAND. But whether these fish hatcheries are in public parks or otherwise, in the future I am going to object to the consideration of bills such as these unless they come to the Committee on Merchant Marine and Fisheries, which is charged with jurisdiction over fish hatcheries. I am not going to object to the consideration of this bill at this particular time, but I do not want it to be taken as a precedent in the future.

Mr. O'CONNOR. I thank the gentleman. This hatchery is badly needed, and will effect a large saving in restocking with fish the waters in the Glacier National Park, one of Nature's wonderlands.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 770, be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to administer as a part of the Glacier National Park, in the State of Montana, subject to all laws and regulations applicable thereto, the lands, or interests in land, within the State of Montana, in township 28 north, range 20 west, Montana meridian, which may be acquired by the United States for the establishment and operation by the National Park Service of a fish hatchery for restocking the waters of the said park.

Mr. O'CONNOR. Mr. Speaker, I offer an amendment:

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 1, line 9, strike out "and operation".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "An Act to authorize the addition to Glacier National Park, Mont., of certain property acquired for the establishment of a fish hatchery, and for other purposes."

A House bill (H. R. 2185) was laid on the table.

INVESTIGATION OF THE FISHERIES OF ALASKA

The Clerk called the resolution (H. Res. 162) to provide for an investigation of the fisheries of Alaska.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICH. Reserving the right to object, Mr. Speaker, I should like to ask the Delegate from Alaska what the size of the committee will be that it is intended to send to Alaska, and what it will cost for the expenses of this committee?

Mr. DIMOND. I may say to the gentleman I am not able to answer his question. I presume that matter will be left to the Committee on Accounts when we ask for an allotment to pay the expenses of the committee. This investigating committee will be a subcommittee of the House Committee on Merchant Marine and Fisheries. I have not even consulted with the chairman of that committee to determine the number of members the subcommittee will have, and I do not expect he will be able to answer that inquiry now. We intend to take the matter up later with the Committee on Accounts and determine then just how much ought to be expended for this purpose.

The fisheries of Alaska embrace salmon, halibut, herring, cod, crabs, and shrimps, as well as the trout, grayling, whitefish, and other species to be found in the inland waters.

But the salmon fishery is by far the most important. In the year 1938 the total value of the fish packed in Alaska was approximately $45,000,000. This included salmon of the value of approximately $41,000,000. The average number of people employed in all of the Alaska fisheries in any year would be not far from 30,000, and of those approximately 25,000 are employed in the canned-salmon industry. The fisheries of Alaska constitute by far the most important industry of the Territory and the fishery resource with proper conservation ought to continue in perpetuity.

Most of the salmon-packing industry of Alaska is owned by people who reside in the several States. Very little of the ownership is in Alaska. As a consequence most of the profits from the industry do not remain in the Territory but come to the States, where the stockholders of the packing companies reside. The industry is, however, of the utmost importance to Alaska because approximately one-third of the Territorial income is derived from that industry. The livelihood of many thousands of the residents of Alaska entirely depends upon the industry; and it is, therefore, of great consequence both to the people of the United States and those who reside in Alaska that the fisheries of Alaska should be adequately conserved and thus be perpetual, and that there should be a fair and just balance of the economic benefits derived from the fisheries.

By an act passed by Congress in 1924, commonly called the White Act, because one of the bills which resulted in the passage of the act was sponsored by Representative—now Senator—WHITE, of Maine, the Secretary of Commerce was given extremely broad powers in the control of the fisheries of Alaska, including the authority to prescribe the type of gear that might be used in taking fish and the seasons during which the fish could be taken. Though the White Act was amended on several occasions, the general broad powers of the Secretary of Commerce with respect to the fisheries of Alaska were left unimpaired and these powers are now transferred to the Secretary of the Interior.

The principal controversies which have arisen in Alaska concerning fisheries, aside from the offshore fishing of foreign nationals for salmon in the waters adjacent to the coast of Alaska, have been (a) the use of traps which are large frame structures covered with wire net set in the seaways for the catching of salmon; and (b) the taking of large quantities of herring and the conversion of same into oil and meal.

Salmon traps are used in a large part of the Alaska waters where salmon run, but they are not used and are not permitted to be used in one of the most important salmon fishing districts in Alaska, Bristol Bay, and in the waters adjacent thereto. In the Bristol Bay region all salmon are required to be caught by gill net and no trap is permitted to be operated. But in most of the remainder of the salmon-fishing areas of Alaska, traps are permitted to be used by the regulations of the Secretary of Commerce, although numbers of small areas are closed to trap fishing. The fishermen of Alaska, who use seine and gill nets, feel very strongly that the use of traps in the taking of salmon should not be permitted or, in any event, their use should be much more severely restricted than is the case at present. And the fishermen say that to permit any person to operate a trap in the waters of Alaska is to grant a type of special privilege that ought not be permitted and that the fisheries of Alaska ought to be available to all fishermen within such limits as may be required for conservation of the species. Some of the traps set in favored locations take as many as a million salmon in the course of the season. The operators, on the other hand, who use the traps, say that they are an efficient machine and therefore their use should be permitted and, in fact, enlarged and expanded. My own considered judgment is that all salmon traps should be eliminated at the earliest possible date.

Several hundred of the fishermen of Alaska catch salmon by hook and line. They are called trollers. Most of the salmon they take are sold fresh or mild cured and the product usually brings a good price. The trollers generally, as well as the other fishermen, are a valuable part of our citizenry. They are sturdy, independent, and self-reliant. Many of them are married and have children. The trollers claim without exception that the salmon which they take

feed upon herring and that the well-nigh unrestricted taking of herring and the conversion of the same into oil and meal is likely to exhaust the salmon that are caught by trolling and thus the trolling part of the salmon industry will be entirely destroyed.

Several bills have been introduced in the House of Representatives for the elimination of salmon traps in Alaska waters and other bills to prohibit the conversion of herring into oil and meal in that part of the Alaska waters where salmon trolling is carried on. Hearings have been had upon some of those bills but it has not been possible to give to the House Committee on Merchant Marine and Fisheries a full, true, and complete picture of the existing situation in Alaska concerning the subjects of the proposed legislation. And so the committee has not taken any action on the measures mentioned.

Alaska is so far from Washington and the income of the fishermen is so meager that it is not practicable for the fishermen to appear before the House Committee on Merchant Marine and Fisheries in this city. The only way in which their views can be developed is through having a Congressional committee or subcommittee visit Alaska and take testimony on the ground. The temper of many of the fishermen, particularly with respect to salmon traps, is at the present time extremely bitter. In 1937 and in 1938 the regulations permitted traps to be operated in a number of areas in southeastern Alaska that had theretofore been closed to trap fishing and so had been available to the fishermen who fish with seines and by trolling. The fishermen considered that action to be an outrage upon them as tending to deprive them of their livelihood, an opinion with which I wholly agree. Thus to deprive the fishermen of their means of earning a living is just cause for their resentment and anger.

While, as before stated, the Secretary of the Interior has almost full control over the mode and manner of fishing in Alaskan waters and therefore undoubtedly has it within his power to prohibit the use of all fish traps in those waters, the question is really one of economic policy and therefore ought to be determined by Congress and not by an administrative officer. The same principle holds true with respect to the taking of herring and the conversion of the same into oil and meal. The only way in which the facts can be adequately developed is through an investigation or inquiry held on the ground by a committee or a subcommittee of Congress.

At the recent session of the Alaska Territorial Legislature held at the capital of the Territory, Juneau, Alaska, a resolution, called House Concurrent Resolution No. 1, was unanimously adopted by both houses requesting an investigation of the Alaska fisheries by a committee of Congress. That resolution petitions Congress to create and appoint a congressional committee for the investigation of the Alaska fisheries.

The resolution further provided that a committee of the Alaska Legislature, composed of five members from the house and senate, be selected by the members of the house and senate in joint session for the purpose of facilitating and assisting the congressional investigation. The members so selected are Senator Henry Roden, Senator J. S. Hofman (now deceased), and Representatives A. P. Walker, James V. Davis, and Harvey J. Smith.

After this resolution was adopted, the Alaska Legislature appropriated $10,000 to defray the expenses of the legislative committee which was so selected by the legislature itself to facilitate and assist in the congressional investigation. The Alaska Legislature thus expressed not only its intense interest in having a congressional investigation but has actually appropriated $10,000 in order to assist in and facilitate that investigation.

The fishermen of Alaska generally are eagerly looking forward to having the investigation made by a disinterested and impartial committee of Congress and I have received numerous telegrams and letters from fishermen and from fishermen's organizations in Alaska asking of the progress of House Resolution 162 and urgently requesting that the speediest possible action be taken thereon and the investigation be carried forward at an early date.

What is proposed is definitely not a junket. The work involved in making the investigation will be laborious and some of it unpleasant. It will be necessary to visit a number of the fishing districts of Alaska, following a coastline of more than 1,000 miles. While some conditions are practically the same in all districts, in other respects conditions in one district differ widely from those to be found in another, and, therefore, it is highly advisable that hearings be held at the centers of the more important fishing areas or regions.

The investigation proposed, if properly carried out and conducted as it doubtless will be, is bound to result in direct financial benefit to the people of the United States and of Alaska because Congress, thus more intelligently informed and with a wider knowledge of the conditions and circumstances existing with respect to the fisheries of Alaska, will be able the more surely to preserve and protect the fisheries of the Territory and by general laws provide fair opportunities to all to share in the great natural wealth of Alaska which is embraced in the fisheries.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Virginia.

Mr. BLAND. This resolution authorizes an investigation by the Committee on Merchant Marine and Fisheries or a subcommittee. The Committee on Merchant Marine and Fisheries approved this investigation because many times matters pertaining to fisheries have come before the committee that have involved considerable opposition. The feeling on the part of the people of Alaska is that a committee of the Congress should come up there and personally study the problem.

Mr. RICH. There is only one point about which I wanted information, and the gentleman is the proper one to answer my question. When we establish these committees sometimes they want a committee of 10 or 12 members to make the investigation. This turns it into pretty much of a joy ride. I thought if the gentleman who is chairman of the committee would say that he wants to limit the membership on the committee to three members it might be a good business proposition.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. COCHRAN. Ordinarily I would object to a resolution of this kind being considered by unanimous consent; but I want to tell the gentleman from Pennsylvania that we authorized the Committee on Merchant Marine and Fisheries to make an investigation of this character in another place and we gave them $10,000, and I may say, to the credit of the chairman of the committee, Mr. BLAND, of Virginia, that they performed an excellent job and spent only $500, returning $9,500 to the contingent fund, which is a record.

Mr. RICH. And I am sure that when the chairman of the committee states that he will have a committee of a limited number, that will not mean that there will be a lot of members on the committee to have a joy ride. I know the gentleman will do exactly what he states and will keep down the expense and we are pleased to know that he is going to limit the membership on this committee.

Mr. COCHRAN. I repeat, $500 is all the gentleman spent in the other instance when he could have spent $10,000. We certainly can be assured very little will be spent in this investigation.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

House Resolution 162

Resolved, That the House Committee on Merchant Marine and Fisheries, or a duly authorized subcommittee thereof, be, and is hereby, authorized and directed to make an investigation of the fisheries of Alaska with special reference to (a) the use of traps in the catching and taking of salmon in the waters of Alaska, whether or not the use of traps should be prohibited for that purpose, and if prohibited the mode and manner and time thereof; (b) the advisability of maintaining or changing the season pre-

scribed at the present time for the catching and taking of salmon in the several fishing areas or region in Alaska; (c) the effect of fishing for and taking of herring, as at present operated, upon the salmon fishery and particularly that part carried on by trolling, and whether or not the taking of herring for conversion into oil and meal in any part of Alaska should be further restricted or entirely prohibited; (d) the offshore fishing by foreign nationals for both crabs and salmon; and (e) any other matters concerning the fisheries of Alaska which the committee or the subcommittee may think it desirable to investigate with a view to the conservation and preservation of the fishery and a reasonable development of the Alaska fishing industry.

For the purposes of this resolution, the said committee or any subcommittee thereof is hereby authorized to sit and act at such times and places within the Territory of Alaska and the United States, whether the House is sitting or has recessed or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpena or otherwise, and to take such testimony and records as it deems necessary. Subpenas shall be issued by the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons as the chairman of the committee or subcommittee may designate. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee or subcommittee, or having been required to produce necessary books or papers or documents or vouchers by authority of said committee or subcommittee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the study and investigation heretofore authorized, or who fails to produce such books or papers or documents or vouchers as required by subpenas, shall be held to the penalties provided in section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

That the said committee shall report to the House of Representatives at the earliest practicable date the result of its investigation, together with its recommendations for the enactment of desirable or necessary legislation.

With the following committee amendments:

Page 1, line 4, insert before the word "an" the figure "1" in parentheses.

Page 2, line 10, strike out the period and insert a semicolon and the following: "(2) to make such inquiry as said House Committee on Merchant Marine and Fisheries or a duly authorized subcommittee thereof may consider in relation to the merchant marine in Alaska; and (3) such inquiry as said committee or said subcommittee may consider important or pertinent to the merchant marine or fisheries of the United States."

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF TIME FOR APPLICATION OF BENEFITS UNDER ADJUSTED COMPENSATION ACT

The clerk called the next bill, H. R. 5450, to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed.

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I would like to ask the author of this bill the necessity for the passage of this legislation at the present time.

Mr. McCORMACK. Mr. Speaker, the necessity for its passage at the present time is that the law will expire on January 2, 1940, and unless we extend the expiration date in this session, then the rights of between 143,000 and 150,000 veterans and their dependents will be taken away from them. Therefore it is absolutely essential, if we intend to extend the expiration date, that this should be done now.

Mr. COSTELLO. This pertains only to their application for World War adjustment compensation.

Mr. McCORMACK. Yes.

Mr. COSTELLO. Which is something the veterans earned as a result of their services during the World War.

Mr. McCORMACK. This relates to adjusted-service-compensation certificates.

Mr. COSTELLO. Does not the gentleman feel that the date should be eliminated entirely if we are going to extend these benefits?

Mr. McCORMACK. I thoroughly agree with the gentleman, and, as far as I am concerned, when the compensation law was first passed, you will recall there was a time limit, and then the Congress extended it and then eliminated the time limit. I thoroughly agree with the gentleman, but in order to avoid any difficulties, in view of the lateness of the present session, the bill I introduced extended it 10 years and we compromised on 5 years. I am fearful that if there is no time limit it might interfere with its passage during the remaining days of this session. I am in complete agreement with the gentleman from California that there should be no time limit, but I am fearful if that is put in now it might tend to delay the passage of the measure.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Is it not true that the organized veterans' groups are heartily in favor of this amendment?

Mr. McCORMACK. All veterans' organizations appeared before the subcommittee and they are absolutely in favor of this bill. I am pleased to hear the observation of my friend from California [Mr. COSTELLO], because I am in absolute agreement with him that the time limit should in the future be completely wiped out.

Mr. COSTELLO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 2, 3, and 4 of Public Law No. 312, Seventy-fourth Congress, approved August 23, 1935, are hereby amended by striking out "January 2, 1940" wherever it appears in such sections and inserting in lieu thereof "January 2, 1950."

With the following committee amendment:

In line 7, strike out "1950" and insert "1945."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDGMENT FUND OF SHOSHONE TRIBE OF INDIANS

The Clerk called the bill (H. R. 5377) to provide for the distribution of the judgment fund of the Shoshone Tribe of the Wind River Reservation in Wyoming, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I reserve the right to object. I have an amendment that I desire to offer to the bill. If it is accepted, I will not object to the consideration of the measure. I talked with the gentleman from Wyoming [Mr. HORTON] this morning and he was of the opinion all the amendments suggested had been accepted. I notice, however, in looking through the report, that all of the amendments recommended by the Department have not been accepted.

It seems to me it might be beneficial in the future if I have something to say about this case. Here is a situation where we amended the original Jurisdictional Act, something I have been contending we should never do, taking away from the Government the right to place its defense properly before the Court of Claims. The result was a judgment in a few weeks against the Government of over $4,000,000, and approximately $2,800,000 of that was interest, dating back about 50 years. The taxpayers are now suffering as a result of the passage of the resolution amending the jurisdictional law, because the millions to pay the claim came out of the Treasury. I would like to see the case where some citizen of this country was awarded, in a private suit, interest on the principal dating back nearly 50 years. You just cannot find one, but the Congress made it possible for these Indians to recover interest that far back by changing the original jurisdictional law. Now they are back here to dispose of the money, and the Bureau of the Budget makes certain suggestions with reference to some amendments, one amendment being that the cost of the Federal administration shall come out of this fund. Why should it not come out of that amount? Why should it come out of the Treasury of the United States?

My amendment is the one suggested by the Bureau of the Budget which the committee did not accept.

I have repeatedly called this case a Treasury raid, and I repeat it today. There is another bill on the calendar in which the same situation exists, the Klamath case, where the committee did not accept the amendments offered by the Department. The amount in the Klamath case is about the same. The money was appropriated to pay these two claims in the last deficiency appropriation bill passed in the last Congress, and it is in the Treasury of the United States. The attorneys have already received theirs, and I placed their names in the RECORD, the amount being about $800,000. Quite a nice fee, especially when the Government was required to furnish all the evidence. They are gone with theirs, and the Indians may just as well get their money, now that it has been appropriated. Now I insist that the amendment of the Bureau of the Budget be added, and if the gentleman wants to accept it, well and good. The amendment I refer to is on page 13 of the bill, line 3, to strike out the words "to defray the cost of Federal administration over the Shoshone Tribe except as herein authorized."

Mr. COSTELLO. Mr. Speaker, it is my purpose to offer that amendment to the Senate bill, which the gentleman from Wyoming [Mr. HORTON] will ask to have substituted for the House bill.

Mr. COCHRAN. Will the gentleman from Wyoming accept that amendment?

Mr. HORTON. Yes; that is exactly the amendment already agreed to.

Mr. COCHRAN. Very well, if you agree to accept that amendment and insist that the Senate accept it, I shall not object to the consideration of the bill.

Let me express the hope these two bills will be a lesson to the Congress and that we will not pass any more resolutions taking away from the Government the right to properly defend such a suit in the Court of Claims. Nearly $10,000,000 is a lot of money to pay for a mistake, but that is just what we did in the two cases on the calendar today.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1878 for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, with the advice and consent of the business council of the Shoshone Tribe of the Wind River Reservation in Wyoming, to prepare a roll showing the members of said tribe living on the date of the approval of this act, and such roll shall form the basis for the distribution of the judgment fund of said tribe created as the result of the passage of the act of June 25, 1938 (52 Stat. 1114–1156), and accrued interest thereon.

SEC. 2. That there shall be credited on the books of the Office of Indian Affairs the sum of $2,450 to each member of said tribe whose name appears on the roll provided for in section 1 hereof; and out of such sum so credited the Secretary of the Interior is hereby authorized to make available immediately to each individual member of the tribe the sum of $100; and, under such rules and regulations as he may prescribe, the sum of $1,350 to each adult and the sum of $500 to each minor for the following purposes: Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: *Provided, however,* That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The remainder of the share of each adult individual Indian, including accrued interest, shall be made available under such rules and regulations as the Secretary of the Interior may prescribe, and the remainder of the share of each minor Indian shall, with accrued interest, be held intact until such Indian reaches the age of 18 years, when it shall be available under the same conditions as herein provided for adults. As herein used the term "adult" shall include the members of the tribe 18 years of age or over, and the term "minor" shall include all members less than 18 years of age. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be available for expenditure for the benefit of his heirs for the purposes herein authorized.

SEC. 3. (a) Not to exceed $1,000,000 of said judgment fund, or interest thereon, shall be available for expenditure upon the request of the tribe and with the approval of the Secretary of the Interior, for the purchase of lands in the manner prescribed in section 6 of this act.

(b) The sum of $125,000 of said judgment fund, or interest thereon, shall, at the request of the tribe and with the approval of the Secretary of the Interior, be set aside as a loan fund for making loans to individual members, or groups of members, of said tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

(c) The remainder of said judgment fund, including interest thereon, after making the segregation provided for in section 2, and after setting aside the respective amounts authorized by this section, shall be available for appropriation, upon the recommendation of the Secretary of the Interior, and with the consent of the tribe, for purposes of benefit to the tribe, including the establishment and administration of productive enterprises for the benefit of said tribe, and any income derived from such enterprises shall be credited to the Shoshone tribal judgment fund: *Provided,* That should such enterprises also benefit the Arapaho Tribe repayment proportionate to the benefit of the Arapaho Tribe shall be made into the Shoshone judgment fund by the Arapaho Tribe out of such tribal income as the Arapaho Tribe may enjoy.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to establish land-use districts within the diminished and ceded portions of the Wind River Indian Reservation, Wyo., and, under such rules and regulations as he may prescribe, to effect the consolidation of Indian and privately owned lands within said districts through exchange, relinquishment, donation, assignment, or purchase of lands or interests therein, including water rights or surface rights to lands, improvements thereon and improvements on undisposed-of ceded lands to the end that the respective Indian and non-Indian land holdings may be consolidated for more beneficial use. Exchanges of lands hereunder shall be made on the basis of equal value, and the value of improvements on lands to be relinquished to the Indians or by Indians to non-Indians shall be given due consideration, and allowance made therefor in the valuation of lieu lands. This section shall apply to tribal land, and trust or otherwise restricted Indian allotments, whether the allottees be living or deceased. In all transactions involving tribal Indian land, the consent of the Shoshone and Arapaho Tribes shall first be obtained. Title to all lands or interests therein acquired by the Government through exchange of tribal land shall be taken in the name of the United States in trust for the Shoshone and Arapaho Tribes of Indians of the Wind River Reservation, Wyo. Title to lands exchanged for individual Indian allotments, or purchased for individual Indians with restricted funds, shall be taken by the United States in trust for the individual Indian allottee or heir. The right herein granted individual Indians to acquire lands by purchase with restricted funds or by exchange shall not extend to lands on the ceded or opened portion of the reservation.

SEC. 5. That the Secretary of the Interior is hereby directed to restore to tribal ownership all undisposed-of surplus or ceded lands within the land-use districts which are not at present under lease or permit to non-Indians; and, further, to restore to tribal ownership the balance of said lands progressively as and when the non-Indian-owned lands within a given land-use district are acquired by the Government for Indian use pursuant to the provisions of this act. All such restorations shall be subject to valid existing rights and claims: *Provided,* That no restoration to tribal ownership shall be made of any lands within any reclamation project heretofore authorized within the diminished or ceded portions of the reservation.

SEC. 6. That the sum of $1,000,000 authorized in section 3 for use in carrying out the land-purchase and consolidation program hereinbefore authorized shall remain available until expended and any amount expended shall be reimbursed with interest at 4 percent per annum to the Shoshone Tribe of Indians of the Wind River Reservation from joint funds to the credit of the Shoshone and Arapaho Tribes of the Wind River Reservation or from future accruals to said joint fund, as and when said funds accrue. Title to all land purchases made hereunder shall be taken in the name of the United States in trust for the Shoshone and Arapaho Tribes of Indians of the Wind River Reservation, Wyo. All purchases of lands or interests therein made pursuant to this section shall receive the approval of the Shoshone and Arapaho Tribal Councils or of the business committees thereof.

SEC. 7. That in no event shall any portion of the Shoshone judgment fund become liable, payable, or subject to any debt or debts contracted prior to the passage of this act by any Indian of the Shoshone Tribe except debts to the United States or to the tribe, and in no event shall any portion of the Shoshone judgment fund be expended to defray the cost of Federal administration over the Shoshone Tribe, except as herein authorized.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 7, line 2, after the word "tribe", insert a period and strike out "and in no event shall

any portion of the Shoshone judgment fund be expended to defray the cost of Federal administration over the Shoshone Tribe, except as herein authorized."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 5377) was ordered to lie on the table.

DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

The Clerk called the bill (H. R. 5906) to repeal the prohibition against the filling of a vacancy in the office of district judge for the southern district of New York.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provision of subsection (d) of section 4 of the act entitled "An act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia," approved May 31, 1938 (52 Stat. 585; U. S. C., title 28, sec. 4j–1), which reads: "*Provided*, That the first vacancy occurring in the office of district judge for the southern district of New York by the retirement, disqualification, resignation, or death of judges in office on the date of enactment of this act shall not be filled", be, and it is hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERLOCKING BANK DIRECTORATES

The Clerk called the next bill, S. 2150, to amend section 8 of the act entitled "An act to supplement laws against unlawful restraints and monopolies, and for other purposes," particularly with reference to interlocking bank directorates, known as the Clayton Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (38 Stat. 730), approved October 15, 1914, as amended, is further amended by substituting the words "February 1, 1944" for the words "February 1, 1939" in the second paragraph thereof.

With the following committee amendment:

Page 1, line 7, strike "1944" and insert "1941."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTION OF WITNESSES BEFORE CONGRESS AND ADMINISTRATIVE AGENCIES

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6832) to provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GEYER of California. Mr. Speaker, I object.

ACCEPTANCE OF AN EASEMENT WITH RESPECT TO CERTAIN LANDS IN NEW MEXICO

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 356 (S. 1558), to provide for the acceptance of an easement with respect to certain lands in New Mexico, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the grant of a perpetual easement to the United States Government and the Works Progress Administration pursuant to an instrument dated November 15, 1935, and recorded on December 22, 1936, for the construction and maintenance of a dam and reservoir in Bear Canyon, on the Mimbres River, in Grant County, N. Mex., located in sections 28 and 29, township 16 south, range 11 west, New Mexico principal meridian, be, and the same hereby is, accepted.

SEC. 2. The Works Progress Administrator is hereby authorized and directed to acquire by purchase, condemnation, or otherwise, such other lands and interests in land as he may deem necessary for use in connection with the maintenance of said dam and reservoir and to carry out the purposes of this act.

SEC. 3. For the purpose of carrying out the provisions of section 2 of this act, the Works Progress Administrator is hereby authorized to use funds heretofore or hereafter appropriated to, or for, the Works Progress Administration.

Mr. DEMPSEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 2, line 5, after the word "dam", strike out the balance of the section.

The amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 1, after the word "The", strike out "Works Progress Administrator" and insert "Commissioner of the Work Project Administration."

Page 2, line 8, after the word "the", strike out "Works Progress Administrator" and insert "Commissioner of the Work Project Administration."

Page 2, line 10, after the word "the", strike out "Works Progress Administration" and insert "work projects."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today on House Resolution 162.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ALLOWANCES FOR LOSSES BY LEAKAGE AND EVAPORATION OF BRANDY OR FRUIT SPIRITS

Mr. BUCK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6268) to authorize the Commissioner of Internal Revenue to make certain allowances for losses by leakage and evaporation upon withdrawal of packages of brandy or fruit spirits under certain conditions.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RICH. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman whether this is in any way a reduction of the internal revenue now derived from the sale of spirituous liquors?

Mr. BUCK. This has nothing to do with the reduction or increase of the revenues at all.

I may say for the benefit of the gentleman that there is in existence, and has been since 1894, a provision in our laws which allows manufacturers of distilled spirits and brandy a certain loss or evaporation leakage allowance in computing the amount of tax that they have to pay on withdrawal of their product from a bonded warehouse.

The Internal Revenue Code, section 2901 (a), provides for these loss allowances where the brandy or fruit spirits is in "casks or packages of a capacity of 40 or more wine gallons" or in "casks or packages" of not less than 20 gallons. No specific provision was made for loss allowances in the case of containers other than "casks or packages."

When normal grape and fruit distillery operations were resumed following the repeal of prohibition, an acute shortage developed in small cooperage, as well as in Government bonded warehouse facilities in California. This shortage led to the erection of a number of storage tanks for temporary deposit of the brandy or fruit spirits, until the casks or barrels became available and warehouse facilities were enlarged. The brandy or fruit spirits was only stored in such tanks a few months and was deposited in casks and barrels within a short time for further storage and aging. As the law is at present worded and as the regulations are interpreted, however, all of this brandy or fruit spirits which was stored at any time in a storage tank and then placed in a cask or package thereafter, is excluded from the loss allowance provisions.

In the revision of the liquor tax administration law of 1936 no consideration was given to the fact that the storage of brandy or fruit spirits had been made in tanks

temporarily. As the member of the Ways and Means Committee who introduced that bill in its final form into the House and piloted it through the House, I can truthfully say that there was no deliberate intention to exclude from the loss allowance provision brandy or fruit spirits which had been temporarily deposited for storage in tanks. This was a legislative oversight. As a result, certain fruit distillers are called upon to pay the Federal tax of $2 per proof gallon on brandy or fruit spirits lost through normal leakage and evaporation, simply because through a brief period of time these were stored in a Government bonded warehouse storage tank. All of these spirits have been under Government lock and key at all times. No question of fault or negligence is involved. Full protection of the revenue will be afforded because the allowance for losses can only be granted where the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, finds that the loss is a proper one under the law. I may add that this bill only affects these few past transactions. It cannot affect the future in the least.

The bill has the approval of the Treasury Department, as shown by the report which the Ways and Means Committee has filed, and I may add that it has the unanimous recommendation of that committee that the bill be passed.

Mr. RICH. You are sure that the people of California did not drink this wine?

Mr. BUCK. I am certain they did not, because the Government officials had the key at all times.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make allowances for losses by leakage and evaporation in accordance with section 2901, Internal Revenue Code, upon withdrawal of packages of brandy or fruit spirits now deposited in internal-revenue bonded warehouses, which were filled with storage tanks in bonded warehouses prior to June 26, 1936.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO DISTILLED SPIRITS ACT

Mr. BUCK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6479) amending section 2857 of the Distilled Spirits Act.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RICH. Reserving the right to object, Mr. Speaker, will the gentleman explain what this bill does?

Mr. BUCK. This is a bookkeeping proposition entirely. It deals with the records which the law requires wholesale but not retail dealers to keep in respect to their receipts and dispositions of distilled spirits.

A wholesale liquor dealer is defined by law as one who sells distilled spirits, wines, and so forth, in quantities of 5 gallons or more to the same person at the same time. He is required to keep certain records. He also may be a retail liquor dealer. It follows that there are many wholesale liquor dealers selling wine and distilled liquors, who sell them at retail on the same premises. Under the law and the present regulations of the Treasury Department such wholesale liquor dealers are required to record their receipts and dispositions of distilled spirits. The purpose of the bill is to relieve the wholesale distillers of their responsibility to report as to retail sales. It is a bookkeeping proposition entirely. It has the approval of the Treasury and was reported unanimously by the Committee on Ways and Means.

Mr. RICH. Is it not necessary for the wholesaler to report whom he sells to?

Mr. BUCK. It will still be necessary for the wholesaler to report his wholesale sales. It will, however, relieve him of reporting his retail sales.

Mr. TREADWAY. Mr. Speaker, reserving the right to object, I do so merely for the purpose of confirming what the gentleman from California has said: That so far as the Ways and Means Committee is concerned this bill and the previous one were reported unanimously by the committee. There was careful study of these bills by the committee, and the minority agrees with the majority that the bill should be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill as follows:

Be it enacted, etc. That the first paragraph of section 2857 (a) be amended to read as follows:

"Sec. 2857. Books of rectifiers and wholesale dealers.

"(a) Requirements.—Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of 5 wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe."

With the following committee amendment:

Page 1, line 3, after "(a)" insert "of the Internal Revenue Code."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a brief editorial from a Washington newspaper.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. LANHAM].

REGISTRATION OF TRADE-MARKS

Mr. LANHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6618) to provide for the registration of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, as amended.

The Clerk read the title of the bill.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the reading of the bill and amendments be dispensed with, the amended bill to be printed in the RECORD; and I may say in this connection that the amendments are merely clarifying, some to correct typographical errors and others make changes merely in administrative matters. They are recommended by the Department.

The SPEAKER pro tempore [Mr. WOODRUM]. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amended bill reads as follows:

Be it enacted etc.,

TITLE I—THE PRINCIPAL REGISTER

SECTION 1. Trade-marks used in commerce may be registered in the following manner:

(a) By filing in the Patent Office—

(1) a written application, verified by the applicant, including a statement specifying the date of first use of the mark, and the goods or services in connection with which it is used, in such form as may be prescribed by the Commissioner;

(2) a drawing of the mark; and

(3) such number of specimens or facsimiles of the mark as actually used as may be required by the Commissioner.

(b) By paying into the Patent Office the filing fee.

(c) By complying with such rules or regulations, not inconsistent with law, as may be prescribed by the Commissioner.

(d) If the applicant is not domiciled in the United States he shall designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving a copy thereof at the last address so filed. If the person so designated cannot be found at the address given in the designation, such notice or process may be served upon the Commissioner.

MARKS REGISTRABLE ON THE PRINCIPAL REGISTER

SEC. 2. No mark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration as a trade-mark on account of its nature unless it—

(a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which tends to disparage persons, living or dead, institutions, beliefs, or national symbols, or to bring them into contempt;

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof;

(c) Consists of or comprises the name, portrait, or signature of a living individual unless by his written consent;

(d) Consists of or comprises a mark which so resembles a mark previously registered or used by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers;

(e) Consists of a mark which, (1) when applied to the goods of the applicant is merely descriptive of them, (2) when applied to the goods of the applicant is primarily geographically descriptive of them, except as indications of regional origin may be registrable under section 4 hereof, (3) is primarily merely a surname.

(f) Except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing herein shall prevent the registration of any mark used by the applicant as a trade-mark which has become distinctive of the applicant's goods in commerce. Substantially exclusive use as a mark by applicant, in commerce for 2 years prior to the application, may be accepted by the Commissioner as prima facie evidence of distinctiveness.

SERVICE AND CERTIFICATION MARKS REGISTRABLE

SEC. 3. Subject to the same provisions relating to the registration of trade-marks, so far as they may be applicable, service and certification marks used in commerce shall be registrable, in the same manner and with the same effect, and when registered they shall be entitled to the protection provided herein in the case of trade-marks. The Commissioner may establish a separate register for such service and certification marks. Applications and procedure under this section may conform as nearly as practicable to those prescribed for the registration of trade-marks.

COLLECTIVE AND ASSOCIATION MARKS REGISTRABLE

SEC. 4. Subject to the provisions relating to the registration of trade-marks, so far as they may be applicable, collective marks, including indications of regional origin, used by natural or juristic persons, and nations, States, municipalities, and the like, exercising legitimate control over the use of the mark sought to be registered, even though not possessing an industrial or commercial establishment, shall be registrable under this act in the same manner and with the same effect, and when registered they shall be entitled to the protection provided herein the the case of trade-marks.

USE BY RELATED COMPANIES

SEC. 5. Where the mark sought to be registered is or may be used by subsidiary or related companies, or by the members of an association, such use shall be deemed exclusive in the holding, parent, or related company or in the association; and use of registered marks by companies subsidiary or related to the registrant or by the members of an association shall not affect the validity of such mark or of its registration.

DISCLAIMERS

SEC. 6. The Commissioner may require unregistrable matter to be disclaimed, but such disclaimer shall not prejudice or affect the applicant's or owner's rights then existing or thereafter arising in the disclaimed matter, nor shall such disclaimer prejudice or affect the applicant's or owner's right of registration on another application of later date if the disclaimed matter has become distinctive of the applicant's goods.

CERTIFICATES

SEC. 7. (a) Certificates of registration of marks registered upon the principal register shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner or have his name printed thereon and attested by an assistant commissioner or by one of the law examiners duly designated by the Commissioner, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office.

(b) The certificate of registration of a mark upon the principal register provided by this act shall be prima facie evidence of the validity of the mark and of registrant's exclusive right to use the same in commerce.

(c) Certificates of registration of marks may be issued to the assignees of the applicant, but the assignment must first be recorded in the Patent Office. In case of succession or change of ownership the Commissioner shall, upon a proper showing at the request of the owner or successor and upon the payment of the fee herein provided, issue to such owner or successor a new certificate of registration of the said mark in the name of such owner or successor, and for the original period.

(d) The Commissioner, upon application of the registrant, may permit any registration under this or any previous act to be canceled or for good cause to be amended or disclaimed in whole or in part, at any time upon payment of the required fee: *Provided,* That the Commissioner shall determine that when so amended it shall still contain registrable matter and not require republication, and the Commissioner shall make appropriate entry upon the records of the Patent Office and upon the certificate of registration, or if said certificate is lost or destroyed upon a certified copy thereof.

(e) Copies of any records, books, papers, or drawings belonging to the Patent Office relating to marks, and copies of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner, or in his name by a chief of division duly designated by the Commissioner, shall be evidence in all cases wherein the originals would be evidence; and any person making application therefor and paying the fee required by law shall have such copies.

(f) Whenever a mistake in a registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office, a certificate stating the fact and nature of such mistake, signed by the Commissioner and sealed with the seal of the Patent Office, may be issued, without charge, and recorded and a printed copy thereof attached to each printed copy of the registration, and such certificate shall thereafter be considered as part of the original, and every registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions or causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates heretofore issued in accordance with the rules of the Patent Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute.

(g) Whenever a mistake has been made in a registration certificate and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the Commissioner is authorized to issue a certificate of correction upon the payment of the required fee, provided the Commissioner shall determine that the correction is not such as to necessitate republication of the mark.

DURATION

SEC. 8. Each certificate of registration shall remain in force for 20 years: *Provided,* That the registration of any mark under the provisions of this act shall be canceled at the end of 5 years following its date, unless within 3 months next preceding the expiration of such 5 years the registrant shall file in the Patent Office an affidavit in such form as may be prescribed by the Commissioner stating that said mark is still in use. If, however, nonuse is due to special circumstances and not to any intention not to use or to abandon such mark, the affidavit shall so state, in which case the registration shall not be canceled because of such nonuse. Forms for such affidavits shall be attached to each certificate of registration.

RENEWAL

SEC. 9. On application of the registrant, certificates of registration may be renewed for like periods of 20 years from the end of the expiring period on payment of the renewal fees required by this act if the registered mark is still in use; and such application may be made at any time within 6 months before the expiration of the period for which the certificate of registration was issued or renewed, or may be made within 3 months after such expiration on payment of an additional fee as herein provided.

ASSIGNMENT

SEC. 10. A registered mark or a mark for which application has been filed shall be assignable either with or without the goodwill of the business. Assignments shall be by instruments in writing duly executed. Acknowledgement shall be prima facie evidence of the execution of the assignment and when recorded in the Patent Office the record shall be prima facie evidence of execution. An assignment shall be void as against any subsequent purchaser for a valuable consideration without notice, unless it is recorded in the Patent Office within 3 months from the date thereof or prior to such subsequent purchase. The Commissioner shall keep a record of assignments.

SEC. 11. Any acknowledgement or verification shall be valid if it complies with the laws of the State or country where it is made.

PUBLICATION

SEC. 12. Upon the filing of an application for registration and payment of the fees herein provided, the Commissioner shall cause an examination to be made and, if on such examination it shall appear that the applicant is entitled to registration, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office.

OPPOSITION

SEC. 13. Any person who would be damaged by the registration of a mark may file a verified notice of opposition in the Patent Office stating the grounds therefor within 30 days after the publication in the Official Gazette of the mark sought to be registered. For good cause shown, the time for filing notice of opposition may be extended by the Commissioner. An unverified opposition may be filed by a duly authorized attorney, but such opposition shall be null and void unless verified by the opposer within a reasonable time after such filing to be fixed by the Commissioner.

CANCELATION

SEC. 14. Whenever any person is damaged by the registration of a mark under this act, he may, within 10 years from the date of such registration, apply to cancel the registration thereof. If a registered mark has been abandoned or its registration was

obtained fraudulently or contrary to the provisions of section 2, subsections (a), (b), or (c) hereof, application for its cancelation may be made at any time. In the case of marks registered under the acts of February 20, 1905, and March 3, 1881, the 10-year period shall begin from the effective date of this act.

SEC. 15. After the period for the cancelation of the registration of a trade-mark has expired, the right of the registrant to use his mark in commerce shall be incontestable.

INTERFERENCE

SEC. 16. Whenever application is made for the registration of a mark which in the opinion of the Commissioner so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers, the Commissioner may declare that an interference exists. No interference shall be declared between an application and a mark the right to use of which has become incontestable.

SEC. 17. In every case of interference, opposition to registration, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct the examiner in charge of interferences to determine the right of registration.

SEC. 18. The Commissioner may refuse to register the opposed mark, may cancel the registration of a registered mark, or may refuse to register any or all of several interfering marks, or may register the mark for the person or persons entitled thereto.

(a) In all inter partes proceedings the doctrine of laches and acquiescence, where applicable, shall be considered and applied. The provisions of this section shall also govern cases heretofore begun in the Patent Office and not finally determined, and the provisions of section 21 respecting remands shall be applicable to this section.

SEC. 19. Appeal may be taken to the Commissioner in person from the final decision of the examiner of interferences. Appeals may also be taken to the Commissioner in person from all final decisions of the examiner in charge of trade-marks.

SEC. 20. If an applicant for registration of a mark, or a party to an interference as to a mark, or party who has filed opposition to the registration of a mark, or party to an application for the cancelation of the registration of a mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal to the United States Court of Customs and Patent Appeals on complying with the conditions required in case of an appeal from the decision of the Board of Appeals by an applicant for a patent or a party to an interference as to an invention, and the same rules of practice and procedure shall govern in every stage of such proceedings as far as the same may be applicable. The provisions of section 4915 of the Revised Statutes shall apply in trade-mark cases. The same right of review as provided in said section 4915 shall be accorded to all parties to opposition and cancelation proceedings.

SEC. 21. If it shall appear that there has been in commerce an honest concurrent use of the same or similar marks for the same or similar goods or services for a continuous period of more than 5 years immediately preceding the date of a pending application by one of such users for the registration of one of such marks, without protest by any other such user within said period, the Commissioner, or on appeal the United States Court of Customs and Patent Appeals, or the court in an action begun under the provisions of section 4915, Revised Statutes, may grant more than one registration of such marks, subject to such conditions and limitations, if any, as to mode or place of use of such marks as the Commissioner or said courts, or either of them, may require in order to minimize the probability of confusion arising from the concurrent use of such marks.

The provisions of this section shall also govern cases heretofore begun in the Patent Office, and not finally determined, where the provisions thereof may be applicable.

In any case in which an appeal is pending before the United States Court of Customs and Patent Appeals at the date of the enactment of this act, the said court, if it be of the opinion that the provisions of this section may be applicable to the subject matter of the appeal, may remand the case to the Commissioner for the taking of additional evidence or for reconsideration of his decision on the record as made, as the court may deem proper.

In any case in which an appeal is pending before the United States Court of Appeals for the District of Columbia at the time of the enactment of this act, the said court, if it be of the opinion that the provisions of this section may be applicable to the subject matter of the appeal, may remand the case to the District Court for the District of Columbia for a new trial or for reconsideration of its decision on the record as made, as the appellate court may deem proper.

REGISTRATION IS NOTICE

SEC. 22. Registration of a mark under this act is notice of the registrant's claim of ownership thereof.

TITLE II—THE SUPPLEMENTAL REGISTER

SEC. 23. In addition to the principal register, the Commissioner shall keep a continuation of the register provided in paragraph (b) of section 1 of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes", to be called the supplemental register. All marks not registrable on the principal register herein provided, except those declared to be unregistrable under paragraphs (a), (b), (c), and (d) of section 2 of this act, which have been in bona fide use for not less than 1 year in commerce by the proprietor thereof, upon or in connection with any goods of such proprietor, may be registered on the supplemental register upon payment of the filing fee to the Commissioner of Patents and compliance with such formalities as the said Commissioners may require: *Provided*, That a mark which so resembles a known mark owned and used in commerce by another, as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive purchasers, shall not be placed on this register: *And provided further*, That where the mark so to be registered is or may be used by subsidiary or related companies or by members of an association, such use shall be deemed exclusive in the holding or parent company or in the association, for the purposes of the application and for all other purposes; and use of registered marks by companies subsidiary or related to the registrant or by the members of an association, shall not affect the validity of such trade-mark or of its registration.

For the purposes of this register, a mark may include a trade-mark, symbol, label, package, configuration of goods, name, word, slogan, or phrase, but such mark must be capable of distinguishing the applicant's goods.

Collective marks, including indications of regional origin, used by natural or juristic persons, and nations, States, municipalities, and the like, exercising legitimate control over the use of the mark sought to be registered, even though not possessing an industrial or commercial establishment, shall be registrable under this section: *Provided further*, That upon a proper showing by the applicant that he has begun the bona fide use of his mark in foreign commerce and that he requires domestic registration as a basis for foreign protection of his mark, the Commissioner may waive the requirement of a full year's use and may grant registration forthwith. Appeal may be had to the Commissioner from a refusal of the Examiner of Trade-Marks to register a mark on the supplemental register, but the decision of the Commissioner shall not be appealable.

CANCELATION

SEC. 24. Marks for the supplemental register shall not be published for or be subject to opposition, but shall be published on registration. Whenever any person shall deem himself injured by the inclusion of a mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The Commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to register the mark at the date of his application for registration thereof, or that the mark is not used by the registrant or has been abandoned, and the examiner shall so decide, the Commissioner shall cancel the registration. Appeal may be taken to the Commissioner in person from the decision of the examiner in charge of interferences, but the decision of the Commissioner shall not be appealable.

DURATION AND RENEWAL

SEC. 25. Registrations on the supplemental register shall remain in force for 20 years: *Provided*, That the registration of any mark on the supplemental register shall be canceled at the end of 5 years following its date, unless within 3 months next preceding the expiration of such 5 years the registrant shall file in the Patent Office an affidavit in such form as may be prescribed by the Commissioner stating that said mark is still in use. If, however, nonuse is due to special circumstances and not to any intention not to use or to abandon such trade-mark, the affidavit shall so state, in which case the registration shall not be canceled because of such nonuse. Forms for such affidavits shall be attached to each certificate of registration. Registrations on the supplemental register may be renewed as provided in section 9 of this act.

GENERAL PROVISIONS

SEC. 26. The provisions of paragraphs (a), (c), (e), (f), and (g), of section 7, the provisions of section 10 (except the provision for assignment without the goodwill of the business), and the provisions of sections 11 and 22 of this act, are hereby made applicable to registrations on the supplemental register.

SEC. 27. Registration on the supplemental register, or under the act of March 19, 1920, or expiration under section 25 hereof, shall not preclude registration by registrant on the principal register established by this act.

SEC. 28. Registration on the supplemental register or under the act of March 19, 1920, shall not be filed in the Department of the Treasury or be used to stop importations. The certificates of registration for marks registered on the supplemental register shall be conspicuously different in appearance from certificates issued for marks registered on the principal register.

TITLE III—NOTICE OF REGISTRATION

SEC. 29. It shall be the duty of the registrant to accompany a mark registered under the act of February 20, 1905, or under section 1 (b) of the act of March 19, 1920, or under this act, with the words "Registered in U. S. Patent Office" or "Reg. U. S. Pat Off." or with the letter R enclosed within a circle, thus, ®, or T. M. R. in an ellipse thus, (T.M.R.); and in any suit for infringement under this act by a registrant failing so to mark, no profits and no damages shall be recovered unless the defendant had actual

notice: *Provided, however,* That the foregoing requirement as to notice shall be deemed fulfilled in respect to goods of foreign origin if the marks thereon which are registered in the United States carry the words or indications of registration legally used or required to be used in the country of origin of the goods.

TITLE IV—CLASSIFICATION

SEC. 30. The Commissioner may establish a classification of merchandise, services, and so forth, for convenience of Patent Office administration, but not to limit or extend the applicant's rights. The applicant may register his mark in one application for any or all of the goods included in one class, upon which he has actually used the mark. The Commissioner may issue a single certificate for one mark registered in a plurality of classes upon payment of a fee equaling the sum of the fees for each registration in each class.

TITLE V—FEES AND CHARGES

SEC. 31. Fees payable to the Patent Office under this act shall be as follows: On filing each original application for registration of a mark in either the principal or the supplemental register, $15; on filing each application for renewal, $15; and on filing each application for renewal after expiration of the registration, an additional fee of $5; on filing notice of opposition or application for cancelation, $10; on appeal from the examiner in charge of trade-marks to the Commissioner, $20; on appeal from the examiner in charge of interferences to the Commissioner, $20; for issuance of a new certificate of registration following change of ownership of a mark, $10; for certificate of correction of registrant's mistake, $10; for filing each application communicated to the United States from the International Bureau, Habana, $15; for filing and transmitting application to the International Bureau, Habana, including certificate, $10; for manuscript copies, for every 100 words or fraction thereof, 10 cents; for comparing other copies, 5 cents for every 100 words or fraction thereof; for certifying in any case, additional, 75 cents; for each additional registration or application which may be included under a single certificate, 25 cents additional; for each additional registration or application included, or involved in one writing where more than one is so included or involved, additional, 50 cents; for filing disclaimer after registration, $10.

For abstracts of title: For the search, 1 hour or less, and certificate, $3; each additional hour or fraction thereof, $1.50; for each brief from the digest of assignments of 200 words or less, 50 cents; each additional 100 words or fraction thereof, 10 cents.

For certificate that trade-mark has not been registered—search and certificate (for deposit in foreign countries only), $3.

For title reports required for office use, $1.

For a single printed copy of statement and drawing, 10 cents; if certified, for the grant, additional 50 cents; for the certificate, 50 cents; if renewed, for copy of certificate of renewal, additional 50 cents.

For photographic copies of records, per copy, 20 cents; if certified, for the certificate, additional 50 cents.

For photographic copies of drawings, per sheet, 20 cents.

For recording every assignment, power of attorney, or other paper not exceeding six pages, $3; for each additional two pages or less, $1.

The Commissioner is authorized to refund fees paid by mistake or in excess.

TITLE VI—REMEDIES

SEC. 32. Any person who shall, in commerce, without the consent of the registrant, (a) reproduce, counterfeit, copy, or colorably imitate any mark on either register provided by this Act, or (b) shall apply such reproduction, counterfeit, copy, or colorable imitation to merchandise or services of such a character that the use thereof is likely to cause confusion or mistake or to deceive purchasers, or to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in connection with the sale of such merchandise or services, or (c) shall otherwise falsely indicate that the goods or services are the goods or services of a person who shall have registered a mark under this Act, shall be liable in a civil action by the registrant for any or all of the remedies hereinafter provided.

In such action any certificate of registration on the principal register issued under this act and owned by the plaintiff shall be admissible in evidence and shall be prima-facie evidence of plaintiff's exclusive right to the use of the mark therein described on the goods therein specified. If the right to use the mark has become incontestable under section 15 hereof, the certificate shall be evidence of the registrant's exclusive right to use the mark which can be rebutted only by proof that the registration was obtained fraudulently or that the mark has been abandoned by the registrant, or by proof of one of the following defenses:

(1) That the mark whose use by the defendant is charged as an infringment has been continuously used by the defendant or by his predecessors in business in the State or States where its use is charged to infringe from a date prior to the use by the registrant or his predecessors of the trade-mark described in the registration.

(2) That the use by the defendant of the mark charged to be an infringement is a fair use of the defendant's individual name in his own business in a manner not calculated to deceive the public, or is a fair use of the only known descriptive term for goods rightfully sold by the defendant.

SEC. 33. The several courts vested with jurisdiction of civil actions arising under this act shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered under this act. Any such injunction granted upon hearing, after notice to the defendant, by any district court of the United States, or by a judge thereof, may be served on the parties against whom such injunction is granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which said injunction was granted, or by any other district court, or judge thereof, in the United States, or by the district court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all papers on file in his office, upon which said injunction was granted.

SEC. 34. Whenever the plaintiff shall have established his right to relief in any civil action arising under this act, he shall be entitled (subject to the provisions of sec. 29) to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) in the discretion of the court the costs of the action. The court shall assess such profits and damages or cause the same to be assessed under its direction. In assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost or deduction claimed. In assessing damages the court may, according to the circumstances of the case, enter judgment for any sum above the amount found as actual damages, not exceeding three times such amount, such sum to constitute compensation and not a penalty.

SEC. 35. In any civil action arising under this act, in which the plaintiff shall have established his right to relief, the court may order that all labels, signs, prints, packages, wrappers, receptacles, or advertisements in the possession of the defendant, bearing the mark of the plaintiff or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, or other means of making the same, shall be delivered up and destroyed.

SEC. 36. In any action the court may determine the right to registration, order the cancelation of registrations, in whole or in part, restore canceled registrations, and otherwise rectify the register. Decrees and orders shall be certified by the court to the Commissioner, who shall make appropriate entry upon the records of the Patent Office, and shall be controlled thereby.

SEC. 37. Any person who shall procure registration of a mark in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof.

SEC. 38. The district and territorial courts of the United States and the district court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal of the United States and the circuit court of appeals of the District of Columbia shall have appellate jurisdiction, of all civil actions arising under this act respecting trade-marks registered in accordance with the provisions of this act, without regard to the amount in controversy or to diversity or lack of diversity of the citizenship of the parties.

SEC. 39. Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided for in cases under the patent laws.

SEC. 40. The Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office under this act.

CRIMINAL OFFENSES

SEC. 41. Knowingly to introduce or deliver for introduction or to receive in commerce any counterfeit of any mark upon the principal register or knowingly to transport such counterfeit in commerce shall be a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment not exceeding 6 months, or both such fine and imprisonment.

Any person who shall introduce in commerce goods bearing a legend falsely indicating that the mark thereof is registered in the United States Patent Office, shall be guilty of a misdemeanor and shall be subject to a fine of not less than $100.

TITLE VII. IMPORTATION FORBIDDEN OF GOODS BEARING INFRINGING MARKS OR NAMES, FALSE DESIGNATIONS OF ORIGIN, OR FALSE DESCRIPTION

SEC. 42. (a) Any merchandise, whatever may be its source or origin, which shall bear any registered mark or any infringement thereof, except a mark registered under section 1 (b) of the act of March 19, 1920, or in the supplemental register provided by this act, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of the registrant to such importation or entry be first had and obtained or unless such offending mark be removed or obliterated; and, if brought into the United States in violation of the provision of this section, any person selling, offering for sale, or dealing in such merchandise shall be amenable, at the suit of the registrant, to the liabilities for infringement provided in this act and, in addition, be required to export or destroy such merchandise or to remove or

obliterate such infringing mark therefrom, and such merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this paragraph, the registrant may require a copy of the certificate of registration of his mark to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

(b) Any merchandise, whatever may be its source or origin, which shall bear the name or a simulation thereof of any domestic manufacture or manufacturer or trader, or of any manufacturer or trader located in any foreign country which by treaty, convention, or law affords similar privileges to citizens of the United States, shall not be imported into the United States or admitted to entry at any customhouse of the United States unless the written consent of such manufacturer or trader to such importation or entry be first had and obtained, or unless such offending name be removed or obliterated, and if brought into the United States in violation of the provisions of this section, any person selling, offering for sale, or dealing in such merchandise may be enjoined from dealing therein and in addition be required to export or destroy such merchandise or to remove or obliterate such name therefrom, and the merchandise shall be subject to seizure and forfeiture for violation of the customs laws. In order to aid the officers of the customs in enforcing this paragraph, any such domestic or foreign manufacturer or trader may require a statement of his business or commercial name and the locality where his business is located and where his goods are manufactured to be recorded in books which shall be kept for this purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and thereupon the Secretary of the Treasury shall cause one or more copies of such record to be transmitted to each collector or other proper officer of customs.

(c) The owner, importer, or consignee of merchandise refused entry or seized under paragraphs (a) or (b) of this section may have relief against the registrant, manufacturer, or trader by a summary proceeding in any United States court of original jurisdiction, in the district where such merchandise is held or where such registrant, manufacturer, or trader or a designated representative is an inhabitant or may be found, or, if the registrant is a foreigner and no such designation has been filed, then in the District of Columbia, and after such notice and upon such proceedings as the court may direct the court may determine whether the plaintiff for any reason has the right to import such merchandise under the names or marks which it bears.

(d) A decree or order of such court for the plaintiff, upon being certified to the collector of the port where the merchandise is held, shall be warrant to such collector to release the merchandise from arrest or seizure or forfeiture under this section.

(e) An order or decree for either party, whether interlocutory or final, shall be appealable within 30 days, and the court making such order or decree may, in its discretion, suspend the operation thereof pending appeal.

TITLE VIII—FALSE DESIGNATION OF ORIGIN AND FALSE DESCRIPTIONS FORBIDDEN

SEC. 43. (a) Any person who shall affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, or any false description or representation, including words or other symbols tending falsely to describe or represent the same, and shall cause such merchandise to enter into commerce, and any person who shall knowingly cause or procure the same to be transported in commerce or shall knowingly deliver the same to any carrier to be transported, shall be liable to a civil action at the suit of any person doing business in the locality falsely indicated as that of origin or in the region in which said locality is situated, or of any association of such persons or of any person who is or is likely to be damaged by the use of any false description or representation, or at the suit of any association of such persons.

(b) Any article marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of merchandise refused entry in any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws or may have the remedy given by this act in cases involving merchandise refused entry or seized.

TITLE IX. INTERNATIONAL CONVENTIONS

SEC. 44. (a) The Commissioner shall keep a register of all marks communicated to him by the international bureaus provided for by the Conventions for the Protection of Industrial Property, trade-marks, commercial and trade names, and the repression of unfair competition to which the United States is or may become a party, and upon the payment of the fees required by such conventions and the fees herein prescribed may place the marks so communicated upon such register. This register shall show a facsimile of the mark or name; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration; a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark. This register shall be a continuation of the register provided in section (a) of the act of March 19, 1920.

(b) Persons nationals of, or domiciled in, or having a bona fide and effective business or commercial establishment in any country, which is party to the International Convention for the Protection of Industrial Property, concluded at Paris on March 20, 1883, or to any subsequent revision thereof, as well as to the convention between American republics concerning the protection of trade-marks and trade names and the repression of unfair competition, to which the United States is also a party, by the proclamation of February 27, 1931, shall be entitled to the benefits and subject to the provisions of this act except as provided in the following paragraphs of this section.

(c) No registration of a mark in the United States by a person described in paragraph (b) of this section shall be perfected until such mark has been registered in the country of origin of the applicant, except when such country makes no such requirement of nationals or residents of the United States or the applicant alleges use in commerce.

For the purposes of this section, the country of origin of the applicant is the country in which he has a bona fide and effective industrial or commercial establishment and, in the case of associations, the country in which the association has its domicile or its principal office.

(d) An application for registration of a mark under sections 1 or 23 of this act filed by a person described in paragraph (b) of this section who has previously duly filed an application for registration of the same mark in one of the countries described in paragraph (b) shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country: *Provided*, That—

(1) the application in the United States is filed within 6 months from the date on which the application was first filed in the foreign country;

(2) the application conforms as nearly as practicable to the requirements of this act, but use in commerce need not be alleged;

(3) the applicant files a certified copy of the application filed in the foreign country: *And provided further*, That—

(4) the rights acquired by third parties before the day of the first application in the foreign country shall in no way be affected by the registration obtained on the application under this paragraph; and

(5) nothing in this paragraph shall entitle the foreign applicant to sue for infringement of his mark prior to the date on which his mark was registered in this country unless the registration is based on use in commerce.

(e) A mark duly registered in the country of origin of the foreign applicant may be registered on the principal register if eligible, otherwise on the supplemental register herein provided. The application shall be accompanied by a certified copy of the registration in the country of origin of the applicant.

(f) The registration of a mark under the provisions of paragraphs (c), (d), and (e) of this section by a person described in paragraph (b) shall be independent of the registration in the country of origin and the duration, validity, or transfer in the United States of such registration shall be governed by the provisions of this act.

(g) Trade names of persons described in paragraph (b) of this section used in commerce shall be protected in accordance with the provisions of this act.

(h) Any person designated in paragraph (b) of this section as entitled to the benefits and subject to the provisions of this act, shall be entitled to effective protection against unfair business competition, and in repressing acts of unfair competition, the remedies provided herein against infringement of trade-marks shall be available so far as they may be appropriate.

(i) Citizens or residents of the United States shall have the same benefits as are granted by this section to persons described in paragraph (b) hereof.

TITLE X—CONSTRUCTION AND DEFINITIONS

SEC. 45. In the construction of this act, unless the contrary is plainly apparent from the context—

The United States includes and embraces all territory which is under its jurisdiction and control.

The word "commerce" means all commerce which may lawfully be regulated by Congress.

The term "person" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act includes a juristic person as well as a natural person. The term "juristic person" includes a firm, corporation, association, or similar organization capable of suing and being sued in a court of law.

The terms "applicant" and "registrant" embrace the legal representatives and successors and assigns of such applicant or registrant.

The term "Commissioner" means the Commissioner of Patents.

The term "related company" means any individual, partnership, or person within the definition above where by stock ownership, contractual relationship, or otherwise, the nature and quality of the goods upon which the mark is used is controlled by the registrant.

The terms "trade-mark" and "mark" include any mark which is entitled to registration under the terms of this act and whether registered or not. "Service marks" are marks so used as to distinguish the user's services of any nature from the similar or related services of others. "Certification marks" are marks indicating that the goods in connection with which they are used are certified by

the registrant as to origin, material, mode of manufacture, quality, accuracy, or other characteristic. There may be included in the category of certification marks the marks of labor unions and other associations. "Collective marks" means marks lawfully used by two or more persons.

For the purposes of this act a mark shall be deemed to be applied to an article when it is placed in any manner in or upon either the article or its container or display or upon tags or labels or is otherwise used in the advertisement or sale thereof in commerce.

A mark shall be deemed to be "abandoned"—

(a) When its use has been discontinued with intent not to resume. Intent not to resume may be inferred from circumstances. Discontinuance of use for 2 years shall be prima facie abandonment.

(b) When any conduct of the registrant causes the mark to lose its significance as an indication of origin.

The term "colorable imitation" includes any mark which so resembles a mark registered under this act as to be likely to cause confusion or mistake or to deceive purchasers.

A "counterfeit" is a mark which is identical with, or substantially indistinguishable from, a registered mark.

Words used in the singular include the plural, and vice versa.

The intent of this act is to regulate commerce within the control of Congress by making actionable the deceptive and misleading use of marks in such commerce; to protect registered marks used in such commerce from interference by State legislation; to protect persons engaged in such commerce against unfair competition; to prevent fraud and deception in such commerce by the use of reproductions, copies, counterfeits, or colorable imitations of registered marks; and to provide rights and remedies stipulated by treaties and conventions respecting trade-marks and unfair competition entered into between the United States and foreign nations.

TITLE XI—REPEAL OF PREVIOUS ACTS

SEC. 46. This act shall be in force and take effect 60 days from its enactment, but except as otherwise herein specifically provided shall not affect any suit, proceeding, or appeal then pending. All acts and parts of acts inconsistent herewith are hereby repealed, including the following, namely: The act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same"; the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks"; the act of February 20, 1905 (U. S. C., title 15, secs. 81 to 109, inclusive), entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," and the amendments thereto by the acts of May 4, 1906 (U. S. C., title 15, secs. 131 and 132; 34 Stat. 169), March 2, 1907 (34 Stat. 1251, 1252), February 18, 1909 (35 Stat. 627, 628), February 18, 1911 (36 Stat. 918), March 3, 1911 (36 Stat. 1167), January 8, 1913 (37 Stat. 649), June 7, 1924 (43 Stat. 647), March 4, 1925 (43 Stat. 1268, 1269), April 11, 1930 (46 Stat. 155); act June 10, 1938 (Public, No. 586, 75th Cong., ch. 332, 3d sess.); the act of March 19, 1920 (U. S. C., title 15, secs. 121 to 128, inclusive), entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes"; and the amendments thereto, including act June 10, 1938 (Public, No. 586, 75th Cong., ch. 332, 3d sess.); and section 526 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1536), except that this repeal shall not affect the validity of registrations under said acts, respectively, or rights or remedies thereunder.

Registrations now existing under the act of February 20, 1905, shall continue in full force and effect for the unexpired term thereof and may be renewed under the provisions of section 9 of this act. Such registrations shall be subject to and shall be entitled to the benefit of the provisions of this act relating to marks registered on the principal register established by this act. Marks registered under the "10-year proviso" of section 5 of the act of February 20, 1905, as amended, shall be deemed to have become distinctive of the registrant's goods in commerce under paragraph (f) of section 2 of this act and may be renewed under section 9 hereof as trade-marks coming within said paragraph.

Registrations now existing under the act of March 19, 1920, shall expire in 20 years from the date of registration and may not be renewed unless renewal is required to support foreign registrations. In that event renewal may be effected under the provisions of section 9 of this act. Such registrations shall be subject to and entitled to the benefit of the provisions of this act relating to marks registered on the supplemental register established by this act. Marks registered under previous acts may, if eligible, also be registered under this act.

SEC. 47. Section 4 of the act of January 5, 1905 (U. S. C., title 36, sec. 4), as amended, entitled "An act to incorporate the National Red Cross," and section 7 of the act of June 15, 1916 (U. S. C., title 36, sec. 27), entitled "An act to incorporate the Boy Scouts of America, and for other purposes," and the act of June 20, 1936 (U. S. C., title 22, sec. 248), entitled "An act to prohibit the commercial use of the coat of arms of the Swiss Confederation," are not repealed or affected by this act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand a second for the purpose of having the bill explained to us by the gentleman from Texas.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

Mr. LANHAM. Mr. Speaker, this bill is the result of prolonged work of the Committee on Patents in the study of trade-marks and is one in which the owners of trade-marks have been interested for many years. Very extensive hearings have been held by the Committee on Patents. Last year I was chairman of the subcommittee that considered a trade-mark bill. With the collaboration of other Members on both the majority and minority sides we conducted extensive hearings which were attended by most representative citizens of all phases of business having to do with trade-marks. Certain suggestions and recommendations by way of amendment were made, and thereupon a bill embodying those recommendations was introduced.

At this session of Congress extensive hearings by a similar subcommittee were held. I had the honor to serve as chairman of that subcommittee. Amendments agreed upon and adopted by this committee were incorporated in this bill, and the bill now under consideration represents the result of several years of very laborious effort to get a proper bill upon this very technical subject.

The pending bill has been endorsed by the Patent Bar Association; it has been endorsed by the National Association of Manufacturers. We have had the assistance of some of the ablest authorities on trade-marks in the United States in the hearings and in the preparation of this measure.

The purpose of the bill is to protect the owners of trade-marks which are legitimately used in business in order that they may not be subjected to piracy and unfair trade competition.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman from Texas [Mr. LANHAM] has very carefully gone over the brief I submitted to him which I received from a great corporation, and he has discussed this bill with me. Is the gentleman confident that this bill will protect that firm rather than permit somebody to use a trade-mark which this corporation has spent millions of dollars in advertising?

Mr. LANHAM. I am very sure of it. Furthermore, this bill contains a provision that if that trade-mark to which the gentleman refers should be counterfeited, a penalty is imposed against the willful, deliberate use of that mark by someone other than the registrant.

Mr. COCHRAN. I realize that under suspension of the rules a bill cannot be amended, therefore I am perfectly willing to accept the gentleman's explanation which is, that it protects the trade-mark in question.

Mr. LANHAM. In my judgment, there is absolutely no doubt of that.

Mr. COCHRAN. I thank the gentleman and I know the officials of this corporation will be pleased to get that information.

Mr. LANHAM. And may I say that it is the consensus of opinion that this trade-mark bill, upon which we have labored so long and so hard, is a very great improvement over the existing statutes in bringing them together and correlating them, and adapting them to modern business practice.

There has been practically a unanimous demand for this legislation and the report of the Committee on Patents is unanimous.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill, as amended.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

ACCEPTANCE BY SECRETARY OF THE NAVY OF CERTAIN LANDS IN SEATTLE, WASH.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6045) to authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Seattle, King County, Wash., with improvements thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what this bill is?

Mr. MAGNUSON. Mr. Speaker, this bill provides that the Secretary of the Navy may accept without encumbrance a piece of land in the city of Seattle in which there is now in process of construction a naval armory. The money has been appropriated by the State legislature.

Mr. MARTIN of Massachusetts. Who owns the land?

Mr. MAGNUSON. The city owns the land, so it is taking nothing off the tax roll.

Mr. MARTIN of Massachusetts. The city is giving the United States Government this land?

Mr. MAGNUSON. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized on behalf of the United States to accept from the city of Seattle and county of King, Wash., a site free from all encumbrances, the title in fee simple, together with the improvements, rights, privileges, and appurtenances belonging thereto, including an armory building constructed or to be constructed thereon for use of the United States Naval and Marine Corps Reserve: *Provided*, That the acquisition of said land shall be without cost to the United States, and that the grading and landscaping of said land and the construction and completion of said armory building thereon shall not entail any obligation against appropriations of the Navy Department or relief funds apportioned to it: *Provided further*, That the grading and landscaping of said land and the construction of said armory building are satisfactorily completed.

With the following committee amendments:

Page 1, line 9, after the word "thereon", insert "in accordance with plans to be approved by the Secretary of the Navy."

Page 2, line 7, after the word "further", strike out the balance of line 7 and all of lines 8 and 9 and insert the following: "That the acceptance by the Secretary of the Navy shall not be made until the grading and landscaping of the said land and the construction of said armory building are satisfactorily completed."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMINISTRATION OF UNITED STATES COURTS

Mr. CHANDLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 188) to provide for the administration of the United States courts, and for other purposes, with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the Judicial Code is hereby amended by adding at the end thereof a new chapter to be numbered XV and entitled "The Administration of the United States Courts," as follows:

"CHAPTER XV—THE ADMINISTRATION OF THE UNITED STATES COURTS

"SEC. 302. There shall be at the seat of government an establishment to be known as the Administrative Office of the United States Courts, with a Director at the head thereof, who shall be appointed by the Supreme Court of the United States and hold office at the pleasure of and be subject to removal by the aforesaid Court. There shall be in said establishment an Assistant Director, to be appointed and hold office in like manner, who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director. The Director and Assistant Director shall receive annual salaries of $10,000 and $7,500, respectively. The Director shall cause a seal of office to be made for the said establishment of such design as the Supreme Court of the United States shall approve, and judicial notice shall be taken of the said seal.

"SEC. 303. The Director, with the approval of the Supreme Court, shall have authority, subject to the civil-service laws, to appoint such employees as are deemed necessary to perform the functions and duties vested in said establishment by this chapter, and the Director shall fix their compensation according to the Classification Act of 1923, as amended. During his term of office or employment, no officer or employee of said establishment shall engage directly or indirectly in the practice of law in any of the courts of the United States.

"SEC. 304. The Director shall be the administrative officer of the United States courts and shall have charge, under the supervision of the conference of senior circuit judges, of—

"(1) All administrative matters relating to the offices of the clerks and other clerical and administrative personnel of the courts, but nothing contained in this chapter shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel, or the authority of the Attorney General respecting United States marshals and their deputies, United States attorneys and their assistants;

"(2) Examining the state of the dockets of the various courts and securing information as to their needs for assistance, if any, and the preparation of statistical data and reports of the business transacted by the courts, and promptly transmitting the information so obtained quarterly to the senior circuit judges of the respective circuits, to the end that proper action may be taken with respect thereto, but inspections of the dockets of the courts outside the continental United States shall be made through officials of the United States Government residing within the jurisdiction, respectively, of the said courts;

"(3) The disbursement, directly and through the several United States marshals as now provided by law, of the moneys appropriated for the maintenance, support, and operation of the courts;

"(4) The purchase, exchange, transfer, and distribution of equipment and supplies;

"(5) The examination and audit of vouchers and accounts of the officials and employees covered by this chapter;

"(6) The providing of accommodations for the use of the courts and the various officials and employees covered by this chapter; and

"(7) Such other matters as may be assigned to him by the Supreme Court and the conference of the senior circuit judges. The clerks of the district courts, their deputies and assistants, and all other employees of said courts shall comply with any and all requests made by the Director or one of his assistants for information and statistical data bearing on the state of the dockets of such courts.

"SEC. 305. The Director, under the supervision of the conference of senior circuit judges, shall prepare and submit annually to the Bureau of the Budget estimates of the expenditures and appropriations necessary for the maintenance and operation of the United States courts and the administrative office of the United States courts, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, in accordance with the provisions of the Budget and Accounting Act. Such estimates in respect of the circuit courts of appeals, the district courts of the United States, and the courts hereinafter referred to in the Territories and possessions, and of the administrative office shall be approved by the conference of senior circuit judges before their presentation to the Bureau of the Budget. Such estimates in respect to the United States Court of Customs and Patent Appeals, the Court of Claims, and the United States Customs Court shall be approved by the judges of such courts, respectively, before submission to the Bureau of the Budget. The Director shall submit annually to the conference of senior circuit judges a report of the activities of the administrative office and of the state of business of the courts, together with the statistical data compiled and submitted by him to the senior circuit judges as provided by clause 2 of section 304, with his recommendations. Such report shall be filed at least 2 weeks prior to the annual meeting of the conference, and a copy thereof shall also be filed with the Congress and with the Attorney General. Such report shall be a public document.

"SEC. 306. To the end that the work of the district courts shall be effectively and expeditiously transacted, it shall be the duty of the senior circuit judge of each circuit to call at such time and place as he shall designate, but at least twice in each year, a council composed of the circuit judges for such circuit, who are hereby designated a council for that purpose, at which council the senior circuit judge shall preside. The senior judge shall submit to the council the quarterly reports of the Director required to be filed by the provisions of section 304, clause (2), and such action shall be taken thereon by the council as may be necessary. It shall be the duty of the district judges promptly to carry out the directions of the council as to the administration of the business of their respective courts. Nothing contained in this section shall affect the provisions of existing law relating to the assignment of district judges to serve outside of the districts for which they, respectively, were appointed.

"SEC. 307. A conference shall be held annually in each judicial circuit, at such time and place, as shall be designated by the senior circuit judge thereof, which conference shall be composed of circuit and district judges in such circuit who reside within the continental United States, with participation in such conference on the part of members of the bar under rules to be prescribed by the circuit courts of appeals, for the purpose of considering the state of the business of the courts and advising ways and means of improving the administration of justice within the circuit. The senior circuit judge and each judge summoned and attending such conferences shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the United States marshal for the district in which the conference is held upon the written certificate of the judge incurring such expenses.

"SEC. 308. The provisions of this chapter shall apply to the several United States circuit courts of appeals, the United States Court of Appeals for the District of Columbia, the several district courts of the United States in the continental United States, the Court of Claims, the United States Court of Customs and Patent Appeals, the United States Customs Court, the District Court for the District of Alaska, the District Court for the District of Hawaii, the District Court of the United States for Puerto Rico, the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the United States Court for China. The term 'courts' as used in this chapter means the courts specified in this section. The term 'continental United States' as used in this chapter means the States of the Union and the District of Columbia. For the purposes of this chapter,

the District of Columbia shall constitute a judicial circuit. The chief justice of the United States Court of Appeals for the District of Columbia shall have the duties, powers, and authority of the senior circuit judge for such circuit, and the associate justices of the United States Court of Appeals for the District of Columbia shall have the duties, powers, and authority of circuit judges for such circuit.

"SEC. 309. The following quoted provision of the act making appropriations for the Departments of State and Justice, and for the Department of Commerce (H. R. 6392) for the fiscal year ending June 30, 1940, approved June 29, 1939, Public Act No. 156, Seventy-sixth Congress, first session, to wit:

" 'That no part of this appropriation shall be used to defray the salary or expenses of any probation officer whose work fails to comply with the official orders, regulations, and probation standards promulgated by the Attorney General: *Provided further*, That no funds herein appropriated shall be used to defray the salary or expenses of any probation officer unless the district judge shall have so far as possible required the appointee to conform with the qualifications prescribed by the Attorney General: *Provided further*, That nothing herein contained shall be construed to abridge the right of the district judges to appoint probation officers, or to make such orders as may be necessary to govern probation officers in their own courts' is hereby repealed."

SEC. 2. Those employees of the Department of Justice engaged in the audit of accounts and vouchers referred to in section 304 of the Judicial Code shall, as far as practicable, be transferred to the Administrative Office of the United States Courts. In such event, the appropriations available for the current fiscal year, from which such employees are paid, shall be apportioned between the Department of Justice and the Administrative Office of the United States Courts, on the basis of duties transferred to the latter office. All records, documents, and papers relating to the audit of accounts referred to in section 304 of the Judicial Code shall be transferred from the Department of Justice to the Administrative Office of the United States Courts.

SEC. 3. All unexpended appropriations for the support, maintenance, and operation of the courts specified in section 306 of the Judicial Code for the current fiscal year, and all unexpended appropriations covering judicial personnel as specified in section 304 (1) of the Judicial Code, including appropriations for the salaries of justices and judges who have retired or who have resigned under the provisions of section 260 of the Judicial Code (U. S. C., title 28, sec. 375), are hereby transferred to the control of the Administrative Office of the United States Courts.

SEC. 4. All powers and duties now conferred or imposed by law upon the Department of Justice or the Attorney General, relating to the administrative audit of the accounts and vouchers referred to in section 304 of the Judicial Code, are hereby transferred to and vested in the Administrative Office of the United States Courts.

SEC. 5. All administrative powers and duties now conferred or imposed by law upon the Department of Justice or the Attorney General, respecting clerks of courts, deputy clerks of courts and clerical assistants, law clerks, secretaries, and stenographers to the judges, and librarians in charge of libraries of the courts, are hereby vested in the Administrative Office of the United States Courts.

SEC. 6. This act shall take effect 90 days after its approval.

The SPEAKER pro tempore. Is a second demanded?

A second was not demanded.

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent to extend my own remarks on this bill at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee [Mr. CHANDLER]?

There was no objection.

Mr. CHANDLER. Mr. Speaker, this bill has been the subject of extensive hearings in the Senate and House Committees on the Judiciary, and the work of putting the amendment in final form was done by the gentleman from Iowa [Mr. GWYNNE], the gentleman from Michigan [Mr. MICHENER], and myself. They have very courteously suggested that I make the explanation of the bill in the absence of the chairman of the Committee on the Judiciary [Mr. SUMNERS of Texas], and I believe that the explanation will cover all the essential points of the bill.

In the play Hamlet, Shakespeare has the melancholy Dane soliloquize about the things which go to make life unbearable, and one of them is "the law's delay."

Today the litigant in the Federal courts faces that agonizing experience because of the 36,015 civil cases, bankruptcy proceedings excepted, in the United States district courts at the end of the fiscal year June 30, 1938, the latest figures available, 4,720, or 13 percent, had been pending 5 years or longer; 5,910 cases, or 16 percent, had been pending 4 years or more; 7,750 cases, or 22 percent, had been pending 3 years or more; 11,396 cases, or 32 percent, had been pending 2 years or longer; and 18,077 cases, or 50 percent, had been pending 1 year or more.

This deplorable condition of the court dockets is made the more significant by the fact that the total number of cases of all classes, criminal, United States civil cases except customs cases, private suits and bankruptcy cases, pending and unfinished in the inferior courts at the end of the fiscal year 1938 was 104,138. While this was a slight decrease in number from the previous year, there is certain to be a steady growth of litigation in the Federal courts because of the increasing number of Federal offenses, and the mounting number of quasi-judicial proceedings before administrative boards, commissions, bureaus, and departments. Furthermore, as population increases, especially urban population, controversies increase, and litigation increases.

Congress has not been unmindful of the necessity of accelerating the disposition of litigations in the Federal Courts, and this problem has been under consideration for several years. Additional judicial personnel have been provided, rules of civil, criminal, and bankruptcy procedure to expedite the trial of causes have been promulgated, the Conference of Senior Circuit Judges has been authorized by statute, and laws enabling the retirement of Federal judges have been enacted; and now the Committee on the Judiciary presents this bill designed to create an efficacious administrative machinery for all the inferior courts of the United States.

An administrative office is to be established with a director and assistant director appointed by the Supreme Court and with adequate personnel selected under the civil-service laws. The principal duties of the administrative office are specified in sections 304 and 305 of the bill and include—

Examining the state of the dockets of the various courts and securing information as to their needs for assistance, if any, and the preparation of statistical data and reports of the business transacted by the courts, and promptly transmitting the information so obtained quarterly to the senior circuit judges of the respective circuits, to the end that proper action may be taken with respect thereto, but inspections of the dockets of the courts outside the continental United States shall be made through officials of the United States Government residing within the jurisdiction, respectively, of the said courts;

The disbursement, directly and through the several United States marshals as now provided by law, of the moneys appropriated for the maintenance, support, and operation of the courts;

The purchase, exchange, transfer, and distribution of equipment and supplies;

The examination and audit of vouchers and accounts of the officials and employees covered by this chapter;

The providing of accommodations for the use of the courts and the various officials and employees covered by this chapter; and

Such other matters as may be assigned to him by the Supreme Court and the conference of the senior circuit judges.

* * * * * * *

SEC. 305. The Director, under the supervision of the conference of senior circuit judges, shall prepare and submit annually to the Bureau of the Budget estimates of the expenditures and appropriations necessary for the maintenance and operation of the United States courts and the administrative office of the United States courts, and such supplemental and deficiency estimates as may be required from time to time for the same purpose in accordance with the provisions of the Budget and Accounting Act. Such estimates in respect of the circuit courts of appeals, the district courts of the United States, and the courts hereinafter referred to in the Territories and possessions, and of the administrative office shall be approved by the Conference of Senior Circuit Judge before their presentation to the Bureau of the Budget. Such estimates in respect of the United States Court of Customs and Patent Appeals, the Court of Claims, and the United States Customs Court shall be approved by the judges of such courts, respectively, before submission to the Bureau of the Budget.

Several of the Attorneys General of the United States have considered it "anomalous and potentially threatening to the independence of the courts" for the chief litigant before them to have control of the financing of the courts, the budget, the accounting and the other details of that nature; and the effect of section 305 is to give the courts the power of managing their own business affairs, as well as relieve the Department of Justice of that responsibility.

Under the present system, an Attorney General wishing to do so could interfere with the freedom of the courts, and

his negligence could impair the functioning of the judiciary. As pointed out by former Attorney General Cummings:

> The Attorney General personaly fixes the number and the salaries of the court clerks and their deputies, and of judges' secretaries, and the amount and character of equipment for judges and clerks. He controls the travel arrangements, the accommodations in Federal buildings, the payment of salaries of judges, clerks, and deputies, and the traveling expenses of judges and clerks. He controls even the power of judges and their law clerks and secretaries to travel on official business. He prepares and presents to the Bureau of the Budget an estimate for the expenses of courts, and is, with all of this power over the affairs of the courts, the principal litigant before them. If criminal cases are included, about 70 percent of the cases before the Federal courts are Government cases; of civil cases alone, about 30 percent.

Another purpose of the bill is to secure an improved supervision of the work of the Federal courts through an organization under judicial control. The data assembled by the director and submitted quarterly to the courts of appeals is the subject of study by a council of judges in each circuit to be held semiannually, and directions are to be given to the district judges "as to the administration of the business of their respective courts."

In addition, the bill provides for a conference annually of the Federal circuit and district judges in each judicial circuit, participated in by members of the bar, for the purpose of "considering the state of the business of the courts, and advising ways and means of improving the administration of justice within each circuit."

"The director of the administrative office is required to submit annually to the conference of senior circuit judges a report of the activities of the administrative office and of the state of business of the courts, together with the statistical data compiled and submitted by him to the senior circuit judges as provided by clause 2 of section 304, with his recommendations. Such report shall be filed at least 2 weeks prior to the annual meeting of the conference, and a copy thereof shall also be filed with the Congress and with the Attorney General. Such report shall be a public document."

Thus, with all the Federal courts, except the Supreme Court, included in the purposes of the bill, we shall have a coordinated and integrated system of judicial administration of the United States courts. Congress has created the inferior Federal courts and has the right to expect that they will function efficiently and expeditiously, but Congress thus far has failed to provide adequate administrative machinery whereby the best results may be obtained from the Federal judicial system. This bill is intended to supply that need.

This measure places the responsibility for judicial administration where it belongs—with the judiciary—and it will be an urge to the avoidance of the evil of judicial delays that the citizens of the country know that the courts have in their power the prompt and adequate disposition of pending cases.

Congress will be able to know definitely whether the country has too many or too few Federal judges; which of those judges work and which do not do their full duty; and whether changes are needed in district and circuit boundaries. The public will be enabled to know what to expect from Federal judges, the extent of administrative efficiency of the courts, and the effectiveness of law enforcement in the Federal tribunals; and the judges will be aided in their efforts to protect litigants from dilatory practices of counsel, to press the bar to bring their cases to issue and trial promptly and directly, and to abolish the continuing of causes except where extreme hardship to the litigant will result.

Ours is the most extensive judicial system that has ever existed, and by enacting this law Congress thus furnishes the Federal courts the administrative machinery for self-improvement. By including the bar in the annual conferences in each circuit, an obligation is imposed on those officers of the courts to cooperate toward the high aims to be achieved.

The administrative officer should have a staff adequate for constant inspection of the work of the different courts, and in the furtherance of his duty to secure the economical and efficient use of judge power, time should be given for independent study of administrative problems arising frequently in the evolution of judicial administration. The bill further provides that those employees of the Department of Justice engaged regularly in the audit of accounts and vouchers under existing law shall be transferred to the administrative office in the consideration of the purposes intended by the bill. It is estimated that the cost of the administrative office will not exceed $200,000 per annum, and part of this cost will be a transfer of expense from the Department of Justice.

When it is realized that the gross cost of operating the judicial branch of the Federal Government is about one-fifth of 1 percent of the total gross cost of operating the Government as a whole, exclusive of relief appropriations, and that the annual income from the operation of the United States courts, including judgments, fines, forfeitures, costs, and fees collected by the clerks and others, aggregates more than $10,000,000 per annum; and when it is recognized that the combining of activities now performed by various separate agencies of the Federal Government, and the elimination of duplication of work, will make possible a substantial decrease in the operating cost of the judicial system, as well as save those who are required to become litigants in the Federal courts many thousands of dollars now represented by loss of interest and principal caused by the delays of justice; the cost of the administrative office to be set up by the bill is negligible, especially when the inestimable value and public importance of promptness and efficiency in the administration of justice are taken into consideration. Indeed, it is not unreasonable to believe that the Administrative office can be a profitable establishment financially, through the savings, economies, and reductions which can be brought about by proper management of the business side of the Federal judicial system.

The American people will pay gladly for the benefits made possible by this measure. There are many well-informed judges, lawyers, and laymen who believe that this bill, if enacted, will represent a landmark in the development of American jurisprudence. Personally, I share that belief. The American Judicature Society, in endorsing the bill, stated:

> We have no hesitation in declaring this measure to be the most important one ever drafted for the enforcement of either State or Federal judicature.

There is ample precedent for the soundness of the plan proposed in the bill for the accomplishment of the objectives sought. The administrative office in the judicial department of the State of Connecticut is a noteworthy example in this country; and, in England, the principle has worked successfully in actual practice. In fact, it has been said that people are so accustomed to prompt termination of litigation that they write the London Times if a decision is delayed a fortnight.

To those who have expressed apprehension "as to the safety of entrusting great powers to isolated judges, subject to no check except appeal according to law, and subject to suspicion in spite of good conduct and wise decisions," this bill should be a welcome answer. Indeed, it is my own hope that, out of the investigations of the administrative office, and the deliberations of the conferences provided for in the bill, there will arise the sense of unfailing obligation resting on our judiciary to promote and abide by the highest ethical standards of which the bench and bar of America are capable, and as are reflected in the established canons of judicial and professional ethics.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

AMENDMENT OF NARCOTIC DRUGS ACT

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6555) to amend the act of March 28, 1928 (45 Stat. 374), as amended, relating to the advance of funds in connection with the enforcement of acts relating to narcotic drugs, so as to permit such advances in connection with the enforce-

ment of the Marihuana Tax Act of 1937, and to permit advances of funds in connection with the enforcement of the customs laws.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. ROBERTSON]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. ROBERTSON. Mr. Speaker, this bill was unanimously reported by the Ways and Means Committee, and simply liberalizes the present law, permitting the Treasury Department to use an appropriation we make each year for the Treasury Department to get evidence in narcotic and contraband cases. This bill permits them to authorize the agent in the field to expend a limited amount without getting previous authority from his superior officer, which frequently involves delay which may ultimately nullify the action that is to be taken.

Mr. MARTIN of Massachusetts. Is there any restriction as to the amount an individual may incur in the way of expense?

Mr. ROBERTSON. The restriction is not carried in the bill, but it is covered by Department regulations. They give only a limited discretion to the man in the field as to how much he may expend.

Mr. TREADWAY. May I say to my colleague from Massachusetts, I think the purport of the bill is to make it more difficult to secure this very dangerous drug? I believe the bill has the approval of all better-thinking people. We want to prevent the use of this drug and this is an administrative matter bringing about that result.

Mr. ROBERTSON. I appreciate the comment of the gentleman from Massachusetts. We are making war on marihuana, which has gotten to the high-school boys and girls of this country, and the object of this bill primarily is to get evidence against the peddlers of marihuana.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. ROBERTSON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs", approved March 28, 1928, as amended (U. S. C., title 31, sec. 529a), is hereby amended to read as follows:

"That the Commissioner of Narcotics, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by the Division of Disbursement, Treasury Department, in connection with the enforcement of the act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes', approved December 17, 1914, as amended; the act entitled 'An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909', as amended, known as the Narcotic Drugs Import and Export Act; and the act entitled 'An act to impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording', approved August 2, 1937, known as the Marihuana Tax Act of 1937.

"SEC. 2. The Commissioner of Customs, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by the Division of Disbursement, Treasury Department, in connection with the enforcement of the customs laws.

"SEC. 3. A certificate by the Commissioner of Customs or the Commissioner of Narcotics, as the case may be, stating the amount of an expenditure made from funds advanced and certifying that the confidential nature of the transaction involved renders it inadvisable to specify the details thereof or impracticable to furnish the payee's receipt shall be a sufficient voucher for the sum expressed to have been expended.

"SEC. 4. The provisions of this act shall not affect payments made for the Bureau of Customs in foreign countries, nor the right of any customs or narcotics officer or employee to claim reimbursement for personal funds expended in connection with the enforcement of the customs or narcotics laws.

"SEC. 5. Advances pursuant to this act in connection with the enforcement of the customs or narcotics laws may be made, notwithstanding the provisions of section 3648 of the Revised Statutes of the United States (U. S. C., title 31, sec. 529), from the appropriations available for the enforcement of such laws. The Secretary of the Treasury is authorized to prescribe such rules and regulations concerning advances made pursuant to this act as are necessary or appropriate for the protection of the interests of the United States.

"SEC. 6. When used in this act, the term 'narcotics laws' includes the 'Marihuana Tax Act of 1937'."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEIZURE AND FORFEITURE OF VESSELS, VEHICLES, AND AIRCRAFT USED IN THE TRANSPORTATION OF NARCOTIC DRUGS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6556) to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport narcotic drugs, firearms, and counterfeit coins, obligations, securities, and paraphernalia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. ROBERTSON]?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, there has been previously some slight objection to this measure, but I think if the gentleman from Virginia will explain the bill to the House there will be no objection at this time.

Mr. ROBERTSON. Mr. Speaker, for a number of years we have had a provision in the law by which the Government could seize an automobile or other vehicle engaged in the unlawful transportation of ardent spirits. The purpose of this bill is to extend that law to narcotics, to contraband sawed-off shotguns, and to counterfeiting equipment, in order to bring these other subjects under the forfeiture law.

Mr. JENKINS of Ohio. I reserve the right to object, Mr. Speaker, in order to make a statement regarding this matter.

We had this bill under consideration by the Committee on Ways and Means. At that time I made what I thought was rather a strong objection to it, based on my experience with the enforcement of the old prohibition law and my experience as a lawyer in the United States courts. This experience taught me that that law was terribly abused, especially when it came to seizures. The officers would take automobiles and property that was encumbered by mortgages and would shift matters around so the lien holder had very little opportunity to present his case.

However, since this matter has been under consideration by the Committee on Ways and Means, I have talked with the enforcement officials in the Bureau of Customs, and they tell me they have a well-developed system by which they look after matters of this kind now and that there is very little objection to it. Therefore, having great faith in the customs-enforcement officers and not wanting to throw my own opinion in here, I am very glad to withdraw my objection in the hope that the situation will not work out as it used to work out but will develop as these men have promised it will do.

Mr. ROBERTSON. I appreciate the comment of my colleague from Ohio. The purpose of this bill is to facilitate the enforcement of law against racketeers and criminals. As the gentleman from Ohio [Mr. JENKINS] has said, we feel that both in the bill and through the departmental practice we have thrown every necessary safeguard around the innocent owner of a vehicle that may be caught carrying contraband.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That (a) it shall be unlawful (1) to transport, carry, or convey any contraband article in, upon, or by means of any vessel, vehicle, or aircraft; (2) to conceal or possess any contraband article in or upon any vessel, vehicle, or aircraft, or upon the person of anyone in or upon any vessel, vehicle, or aircraft; or (3) to use any vessel, vehicle, or aircraft to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article.

(b) As used in this section, the term "contraband article" means—

(1) Any narcotic drug which has been or is possessed with intent to sell or offer for sale in violation of any laws or regulations of the United States dealing therewith, or which is sold or offered for sale in violation thereof, or which does not bear appropriate tax-paid internal-revenue stamps as required by law or regulations;

(2) Any firearm, with respect to which there has been committed any violation of any provision of the National Firearms Act, as now or hereafter amended, or any regulation issued pursuant thereto; or

(3) Any falsely made, forged, altered, or counterfeit coin or obligation or other security of the United States or of any foreign government; or any material or apparatus or paraphernalia fitted or intended to be used, or which shall have been used, in the making of any such falsely made, forged, altered, or counterfeit coin or obligation or other security.

SEC. 2. Any vessel, vehicle, or aircraft which has been or is being used in violation of any provision of section 1, or in, upon, or by means of which any violation of section 1 has taken or is taking place, shall be seized and forfeited: *Provided,* That no vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this act unless it shall appear that the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto: *Provided further,* That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this act by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any State.

SEC. 3. The Secretary of the Treasury is empowered to authorize, or designate, officers, agents, or other persons to carry out the provisions of this act. It shall be the duty of any officer, agent, or other person so authorized or designated, or authorized by law, whenever he shall discover any vessel, vehicle, or aircraft which has been or is being used in violation of any of the provisions of this act, or in, upon, or by means of which any violation of this act has taken or is taking place, to seize such vessel, vehicle, or aircraft and to place it in the custody of such person as may be authorized or designated for that purpose by the Secretary of the Treasury, to await disposition pursuant to the provisions of this act and any regulations issued hereunder.

SEC. 4. All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this act, insofar as applicable and not inconsistent with the provisions hereof: *Provided,* That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws shall be performed with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this act by such officers, agents, or other persons as may be authorized or designated for that purpose by the Secretary of the Treasury.

SEC. 5. Any appropriation which has been or shall hereafter be made for the enforcement of the customs, narcotics, counterfeiting, or internal-revenue laws, and the provisions of the National Firearms Act shall be available for the defraying of expenses of carrying out the provisions of this act.

SEC. 6. The provisions of this act shall be construed to be supplemental to, and not to impair in any way, existing provisions of law imposing fines, penalties, or forfeitures; or providing for the seizure, condemnation, or disposition of forfeited property or the proceeds thereof; or authorizing the remission or mitigation of fines, penalties, or forfeitures.

SEC. 7. When used in this act—

(a) The term "vessel" includes every description of watercraft or other contrivance used, or capable of being used, as means of transportation in water, but does not include aircraft;

(b) The term "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as means of transportation on, below, or above the land, but does not include aircraft;

(c) The term "aircraft" includes every description of craft or carriage or other contrivance used, or capable of being used, as means of transportation through the air;

(d) The term "narcotic drug" means any narcotic drug, as now or hereafter defined by the Narcotic Drugs Import and Export Act, the internal-revenue laws or any amendments thereof, or the regulations issued thereunder; or marihuana as now or hereafter defined by the Marihuana Tax Act of 1937 or the regulations issued thereunder;

(e) The term "firearm" means any firearm, as now or hereafter defined by the National Firearms Act, or any amendments thereof, or the regulations issued thereunder; and

(f) The words "obligation or other security of the United States" are used as now or hereafter defined in section 147 of the Criminal Code, as amended (U. S. C., title 18, sec. 261).

SEC. 8. The Secretary of the Treasury shall prescribe such rules and regulations as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTION OF WITNESSES

Mr. HOBBS. Mr. Speaker, I renew my unanimous-consent request for the immediate consideration of the bill (H. R. 6832) to provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. HOOK. Mr. Speaker, reserving the right to object, I should like to have an explanation of the bill.

Mr. HOBBS. Mr. Speaker, this is a bill which has the unanimous approval of the House Committee on the Judiciary, the Attorney General, the American Bar Association, the committee on jurisprudence and law reform of the Bar Association of the District of Columbia, and everyone else familiar with its provisions. The bill simply throws around witnesses appearing before departments or agencies of the Government, and committees of Congress the same protection that for a number of years has been thrown around witnesses appearing before the courts. It outlaws intimidation, coercion, and corruption of other witnesses, just exactly as existing law protects witnesses called to testify in courts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. GEYER of California. I object, Mr. Speaker.

PROPOSED INVESTIGATION OF NATIONAL LABOR RELATIONS BOARD AND THE NATIONAL LABOR RELATIONS ACT

The SPEAKER pro tempore. Under a previous special order, the gentleman from Colorado [Mr. MARTIN] is recognized for 10 minutes.

Mr. MARTIN of Colorado. Mr. Speaker, a rule has been granted for the consideration of House Resolution 258, to investigate the National Labor Relations Board and the National Labor Relations Act. As the time for debate will be very limited when the resolution comes up Thursday, and what time there is will be in the control of the opposition to the National Labor Relations Board and the National Labor Relations Act on both sides of the aisle, I am taking this opportunity to make a few brief observations concerning the investigation.

In the first place, while it is permissible under the rules of the House and also under the rules of the Senate, for each body, by resolution, to institute and conduct an investigation of a department or an executive agency of the Government, I do not believe that such independent procedure by either House is in accord with the constitutional intent and purpose in setting up the three cordinate branches of government—legislative, executive, and judicial.

I believe that nothing less than a concurrent resolution of both Houses and a joint committee of the two Houses can accord the executive branch of the Government the treatment to which it is entitled, especially in a matter of such magnitude and importance as the subject matter of the proposed investigation. The House of Representatives has no special interest in the operation of a national law or the administration of such law. These matterns concern the Congress as a whole.

It is true that many of these investigations originating in one House might not be concurred in by the other. If so, this would be all the more reason for requiring their concurrence. The vice of the investigation of an executive agency by one House, resulting in unwarranted and ofttimes largely punitive investigations, is illustrated by the fact that they are frequently brought in in the last days of a session of Congress, and the resolutions go through more as a gesture than as the well-considered action of the House, and as a reward of the persistence of a small group who are in a position to prevail on the House leaders, who are high-pressured into according recognition to such resolutions against their own judgment.

I feel confident the House leadership cannot be in sympathy with the purposes of this resolution. The purposes of this

resolution are not only to discredit the National Labor Relations Board but the National Labor Relations Act. Its sponsorship is hostile to that act and the Wage and Hour Act, which are Democratic measures, and to every act for the benefit of labor, and it is being urged by Members who are equally antipathetic toward labor.

This investigating committee, in the very nature of things, will be stacked, not by the action of the Speaker, but by the rules of the House, against the National Labor Relations Board and law. The committee is to consist of five members. Under the rules of the House the sponsor of the resolution will be the chairman of the committee. Two members of the committee must come from the minority, and be selected by the minority. They will be against the National Labor Relations Board and the National Labor Relations Act. They want to see the Board discredited and the act emasculated. They want a National Labor Relations Board and law for the benefit of the corporations, not the workers. So, before the alleged investigation starts, a verdict of guilty on all counts will have been arrived at against the defendants and, of course, the law will need much amending, that is to say, emasculation and hamstringing in the interest of the employers.

It was during the last days of the last session of Congress that a resolution went through the House practically by default setting up the Committee on Un-American Activities. The last croak that came from a member of that committee was an attempt to smear Mr. MacLeish, the newly appointed Librarian of Congress, with communism. The answer was his confirmation by the Senate with only eight negative votes. It went the way of the attempt to smear the Secretary of Labor and impeach her for communistic leanings. It went the way of the attempt to smear Governor Murphy of Michigan, who, after being duly paraded to the world as a Communist sympathizer, was appointed by the President as the chief law officer of the Nation and unanimously confirmed by the Senate. The most effective work of that committee was to smear the national administration with communism in the midst of a national election.

It will be the same with the committee to investigate the National Labor Relations Board and law. It will be a smearing committee. Slapping Roosevelt over the shoulders of his appointees. It will be, not simply anti-National Labor Board and labor law, but antilabor. I hope there are other Members of the House who feel as I do about this matter who will not hesitate to speak out. It is high time the forces of organized labor quit burying the hatchet in each other and bury it in the other fellow. Apparently they do not like the Work Relief Act of 1940, but there are some other bills on the calendar they will like a whole lot less than that.

The resolution will, of course, pass. All the Republicans and 65 percent of the Democrats will vote for this resolution, says the Washington Post in a summary of the House Calendar for this week. That, I hope, is a rather high estimate of the percentage of Democrats who think the time has come to make a Republican sideshow of the Democratic Party and drive the organized workers of America in reprisal over to the Republican Party. Responsibility for legislation rests on the Democratic majority and it cannot be avoided. We seem to be trying to make the Republicans a present of the House of Representatives. The Democrats ought to know that if we lose the big industrial States in the next election we will lose the House of Representatives. [Applause].

Mr. JOHNS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Wisconsin.

Mr. JOHNS. I should like to know whether the gentleman feels that the American Federation of Labor, which has asked for an investigation of the National Labor Relations Board and for certain amendments to the National Labor Relations Act, is insincere and against labor?

Mr. MARTIN of Colorado. I will say this in answer to the gentleman; I have the greatest respect for the American Federation of Labor, but if the internecine strife in the ranks of organized labor has reached the point where a labor group will back an investigation of this character, they will find that they are going to get a lot of things out of it that they did not bargain for in the first place. I want to predict now and have it stay in the RECORD that if this investigation goes through, and I have no doubt it will, the American Federation of Labor will be appearing before Congress in opposition to the emasculating and hamstringing amendments to the National Labor Relations Act that will come out of the investigation.

Mr. JOHNS. On what does the gentleman base his idea that we should not have an investigation, when he feels that all the Republicans want it as well as 65 percent of the Democrats?

Mr. MARTIN of Colorado. The House Committee on Labor has been investigating the National Labor Relations Board and law for the last 3 months. The Senate Committee on Education and Labor has been doing the same thing. We now propose to set up one of these little one-horse, one-sided, incompetent, inadequate committees of the House and turn it loose to keep on going from now until Christmas, smearing the national administration through its agencies. That is just exactly what you are proposing to do. It will be an inquisition, not an investigation.

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from California.

Mr. THOMAS F. FORD. Is it not, in the gentleman's judgment, a direct insult to the Labor Committees of both the House and the Senate that we should in the midst of their investigating the National Labor Relations Board as regularly constituted committees undertake by a special committee to take from them their regular work?

Mr. MARTIN of Colorado. It is more than an insult; it is an indictment of those committees as incompetent and undependable to carry on an investigation of this sort.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Michigan.

Mr. HOOK. Does the gentleman know that the author of this resolution, when asked whether or not legislation was needed instead of an investigation, made the statement that there was a certain amount of agitation needed before they could get legislation?

Mr. MARTIN of Colorado. I am not surprised at that. I understand the same gentleman is getting up a bill to investigate the Wage-Hour Administrator, and he has a bill on the calendar here to abolish the Bill of Rights. You will get plenty of agitation out of this investigation.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from California.

Mr. GEYER of California. In answer as to how the A. F. of L. stands on this, I would like to say that I believe the rank and file of the A. F. of L. are opposed to it. I have a letter from California in which there are over 200 organizations, most of them A. F. of L., that have gone on record as opposing this investigation.

Mr. MARTIN of Colorado. Yes; and I know they are opposed to it in my State, and they would be opposed to it everywhere if they knew how it was loaded against them.

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield again?

Mr. MARTIN of Colorado. I yield.

Mr. THOMAS F. FORD. Has the gentleman read the resolution?

Mr. MARTIN of Colorado. I have the resolution in my pocket, and have read it several times.

Mr. THOMAS F. FORD. Does the gentleman know that at least six of the whereases in the resolution are mistatements of fact?

Mr. MARTIN of Colorado. Well, they will be findings of fact, I will say to the gentleman, when this commission gets through with its alleged investigation. [Laughter and applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Missouri [Mr. ANDERSON] I may address the House for 10 minutes.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, on July 12 I obtained unanimous consent to address the House for 20 minutes. I now ask unanimous consent to vacate that order and be allowed to address the House for that length of time at the conclusion of the remarks of the gentleman from California.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. VAN ZANDT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short essay written by a high-school girl on Americanism.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRYSON asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article about Alaska by the noted Arctic explorer, Dr. Vilhjalmur Stefansson.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Alaska?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Missouri [Mr. ANDERSON] is recognized for 15 minutes.

STOP, LOOK, LISTEN—THERE IS DANGER AHEAD

Mr. ANDERSON of Missouri. Mr. Speaker and Members of the House, I want to discuss in the limited time allowed me the most intensely interesting and momentous question confronting this Nation today, and before naming the subject to which I refer I want to ask you if we ever had a depression, which is a major panic, or a panic, which is a minor depression, since the foundation of this Government, that has not been financial? My answer is "No," and your answer will be "No." Therefore, if this be a fact, there is something radically wrong with our banking and monetary system, and it is my honest conviction that our banking and monetary system is the fundamental cause of all our economic troubles.

In order that we may intelligently discuss and comprehend the money and banking question, it is necessary that we should familiarize ourselves with a little of its historical background.

On the 4th day of July 1776 our forefathers signed the Declaration of Independence. On the 2d day of September 1776 the Continental Congress passed our first financial law and made the silver dollar the unit of value at the ratio of 14½ to 1. In 1786 we changed the ratio to 15¼ to 1, but as we had no mints to coin money we were forced to recognize the Spanish mill dollar as the unit of value, and it was not until after we had won the Revolution and adopted a constitution and had become an organized government that we established, by statute enacted by the Second Congress in 1792 our first monetary system. That Congress, by resolution, requested Alexander Hamilton to submit to them a plan for a monetary system. In compliance with that resolution Hamilton drafted the bill which provided that 371¼ grains of silver should be the unit of value, and gold should be coined at the ratio of 15 to 1, which made the content of the gold dollar 24¾ grains of gold to 371¼ grains of silver. Mr. Hamilton submitted his plan to Thomas Jefferson with the following communication:

To annul the use of either gold or silver as a money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from the comparison of the benefits of a full circulation with the evil of a scanty circulation. * * * It seems most advisable not to attach the unit exclusively to either of the metals, because this cannot be done effectually without destroying the office and character of one of them as money and reducing it to the situation of mere merchandise.

Mr. Hamilton wisely concludes that this reduction of either of the metals to mere merchandise "would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals." Mr. Jefferson replied as follows:

DEAR SIR: I return you the report of the mint, which I have read over with a great deal of satisfaction. I concur with you in thinking that the unit must stand on both metals.

In 1834 we changed our ratio from 15 to 1 to 16.002 to 1. We did not change the content of the silver dollar—the unit value. However, the content of the gold dollar was reduced from 24¾ grains of gold to 23.2 grains to make the weight of the silver and gold coins conform to the new ratio, and that remained the ratio until 1837, when we added two one-hundredths grains to the gold dollar in order to make it exactly nine-tenths fine, which made the ratio of gold to silver 15.988 to 1, and that is the present coinage ratio today. It has never been exactly 16 to 1. For your information, I will state that from 1687 to 1873, a period of 186 years, the different commercial ratios of gold and silver coins did not exceed 16 to 1 except in 3 years. In 1837, when we established our last ratio, up to 1873, when silver was demonetized by trickery, without the knowledge and consent of the American Congress, there never was a year that the commercial value of the silver equaled the value of the bullion in the gold dollar. The demand for silver was so great that dealers in bullion would accumulate our subsidiary silver coins, half dollars, quarters, and dimes and sell them in foreign countries for a profit, which practice forced us, in order to keep our subsidiary silver, to lower the content in weight of our smaller coins in 1857 so that they could not be melted and sold at profit. In 1873, the year that silver was demonetized, the average commercial ratio of silver to gold was 15.63 to 1, but as the result of this demonetization—its destruction as basic money—it took a downward plunge, with the result that in 1932 the average commercial ratio was 73.29 to 1.

I doubt if there was a single Member of either branch of Congress, other than Representative Hooper, of Massachusetts, and Senator Sherman, of Ohio, who knew that the bill which became a law demonetizing silver did demonetize silver. James G. Blaine, who was Speaker of the House at that time, subsequently, when he was a Member of the Senate, stated in a speech on the floor of the Senate that although he signed the bill, which was passed without a yea-and-nay vote, he did not know that silver was being demonetized and President Grant said that if he had known the bill demonetized silver he would not have signed it. In 1878, when the people of the Nation became informed of the destruction, they became thoroughly aroused with indignation. Just before the resumption of specie payment in 1879, Richard P. Bland, of Missouri—"Silver Dick"—offered a bill in Congress remonetizing silver, which was adopted by the lower House, but when it went to the Senate, after a heated discussion, Senator Allison offered an amendment providing that no less than $2,000,000 nor more than $4,000,000 worth of silver should be purchased by the Government per month and coined as fast as purchased. This was known as the Bland-Allison bill. That law was in operation until 1890, at which time Senator Sherman, of Ohio, offered a bill repealing the Bland-Allison bill, and provided for the purchase of 4,500,000 ounces per month to be coined into silver dollars. The last fatal shot was fired at silver in 1893, when the Sherman bill was repealed. In 1900, for the first time in the history of the Government, a law was passed placing the Government definitely on the single gold standard. This law

provided that all money issued or coined by the Government should be redeemed in gold and issued Government bonds payable in gold and permitted the money changers to write payment of gold dollars of 23.22 grains in their contracts when loaning money on notes, bonds, and mortgages. The international bankers were in fact running the Government. It also provided that a gold reserve of $150,000,000 should be maintained by the Treasury to redeem money offered for redemption and when the gold reserve fell below one hundred and fifty million the Secretary of the Treasury was authorized to issue bonds for gold to build up the reserve to one hundred and fifty million. This provision was used under the last Cleveland administration to force the Government to issue to the money changers two hundred and sixty-two millions of bonds. Today we have suspended specie payment and neither money nor obligations of the Government is redeemed in gold, although we have more than $16,000,000,000 in gold buried in the ground in Kentucky and vaults of the Government. The question is often asked, What are we going to do with all of this gold? That is an enigma that you will have to answer yourselves, or perhaps the international bankers can give you the answer, as they generally know what is going to happen in the future in regard to financial problems.

I am now going to make a few statements of fact in regard to the gold standard. The first Christian nation on earth to adopt the gold standard was England in 1816. No other nation followed suit until silver was demonetized in 1873, then the other nations of Europe followed suit, guided by the same insidious influence of the international bankers. The 1932 report of the United States Mint listed the monetary systems of 118 nations, and 116 out of the 118 were on the single gold standard; the exceptions were China and Ethiopia, which were silver-standard countries.

In 1933 the Director of the United States Mint reported that twenty-three and one-half billion dollars of gold had been dug from the earth during the preceding 440 years, but only $12,600,000,000 was to be found in the world money stock. Nearly one-half of the gold produced since 1493 was missing. The production of gold from 1 A. D. to 1493, only a trickle, was approximately $642,000,000. Records of gold production date back more than 5,000 years, and that noted Egyptologist, Petrie, estimates from archeological exploration that in all of these centuries the total amount of gold that has come out of the ground was only $40,100,000,000. The foregoing statistics are based on the old valuation of $20.67 per ounce; therefore, you will have to add approximately 40 percent to these statistics on account of the revaluation from $20.67 to $35 an ounce. The gold standard, on account of limited quantities of gold, has bankrupted the world. Nations have toppled like tenpins, repudiated their debts, debased their money, and made this Nation of ours a land of plutocrats and paupers, millionaires and mendicants.

Today there is not a single nation in the world which is 100 percent on the gold standard. While the United States has two-thirds of the gold of the world and its unit of value is 13 71/100 grains of pure gold, it does not redeem its currency in gold and it is a criminal offense for its citizens to have either gold coins or gold certificates in their possession, a queer condition to say the least.

Before we go into the discussion of the banking system, I want to pay my respects to the bankers of this country. In my opinion, ninety-nine out of every hundred men engaged in banking are honest, conscientious, patriotic citizens. The one crooked banker out of the hundred, I am going to name a money changer and viper and feel justified in so branding this crook because he is of the same type of banker that Jesus Christ drove out of the temple, saying—

> My house shall be called a house of prayer, but you have made it a den of thieves—

And the same type that Andrew Jackson drove out of the White House with the words:

> Gentlemen, I am convinced that you used the funds of the (United States) bank to speculate in the breadstuffs of the country. You are a den of vipers and thieves.

We will now analyze our banking system which is of second importance to our monetary system, and it would not make any difference if our basic money were iron, if you, by law, permitted a private bank to hold a warehouse receipt for all of the iron, thereby controlling the volume of money and the power to contract and expand the same at will. We would continue to have panics and depressions just as we do today.

The history of our so-called Government banks, both in name and operation, is patterned after the English banking system established by the money changers of that country. To make clear to you what I mean, I quote from the following historical comments on the origin of the Bank of England which will give you a pretty good idea of the methods of the money changers in getting their schemes established. You will please note that the bank was not established by a law called a banking law, but by an act called a tonnage act.

The Bank of England was not the original scheme of William Patterson, its founder. As is usual in English political history, it came into being almost by the back door, deriving its life from the Tonnage Act of 1694, of which the preamble read:

> An act for granting to Their Majesties several acts and duties upon tonnages of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompenses and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds toward carrying on the war with France.

The Tonnage Act conveyed the privilege to the corporations of issuing notes or paper money to the full amount of its capital, its capital in gold being all loaned to the Government at 8-percent interest with which to carry on the war with France. The corporations thus had the 8-percent interest on their capital loaned and all their money back in the issue of paper money to lend at interest to other people in trade and commerce. From the Tonnage Act eventuated the Bank of England, being given a name to imply that the bank was owned by the Government when it was a privately owned bank. Thus, there was established a practice of misnaming banks that has been followed by the money changers of the United States since 1792 up to the present day.

The first banking law enacted by Congress after we became an organized government was February 25, 1791. It was known as the First United States Bank, but in giving it this name it was only practicing the deception set by the establishers of the Bank of England. It was not a United States bank, in fact, but a private bank given that name. When its charter expired in 1811 it was so unsatisfactory that Congress refused to renew its charter, and it was then that Thomas Jefferson said:

> I believe that banking institutions are more dangerous to our liberties than standing armies. Already they have raised up a monetary aristocracy that has set the Government at defiance. The issuing power should be taken from the banks and restored to the Government and the people, to whom it rightfully belongs. * * *

If the American people ever allow private banks to control the issue of their currency, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers conquered.

The refusal of Congress to renew its charter did not deter the money changers in their efforts to have their charter renewed, which they succeeded in doing in 1816 by resorting to all kinds of wiles, insidious and subtle influence on Congress. The First and Second United States Banks were permitted to issue their own currency, but the Government did not make it legal tender, as they do the Federal Reserve notes. United States banks, capital stocks, dividends, and property of all kinds were taxable, in contrast to the nontaxable capital stock, dividends, and profits of the Federal Reserve banks. The money changers who owned the Second Bank of the United States began their fight for renewal of their charter which expired in 1816, and by a vote of Congress the

charter was renewed, but President Andrew Jackson, a courageous, patriotic citizen and a real tribune of the people, vetoed the bill granting the charter, and when the money sharks made their last visit to the White House to importune him not to veto the charter, it was then that Jackson drove them out of the White House and branded them as a den of thieves and vipers. Oh, that we had another Jackson in the White House.

From 1836 all banks were independent organizations and issued their own currency and no money was legal tender except the gold and silver coins.

When Lincoln was elected President, the Government and the money changers began to prepare for war, and as a result specie payment was suspended. The money changers began hoarding gold and silver. The Government issued and sold for gold $68,415,000 of Government bonds, of which the money changers took a toll of $7,358,544.19. This was immediately before war was declared. When war was declared, President Lincoln called for 75,000 volunteers for 3 months. This action showed that the public had not grasped the situation. This was soon succeeded by a call for a half million volunteers for 3 years, showing the magnitude of the situation had begun to dawn upon the public mind. The call was responded to with the greatest alacrity by the people, and the ranks were soon filled. But how to feed, clothe, and equip them confronted the administration. President Lincoln called upon the money changers to come to the Government's aid. They told the President, as related in Appleton Cyclopedia, 1861, page 296, as follows:

> Well, war is a hazardous business, but we can let you have it at from 24 percent to 36 percent.

The President and his Secretary are said to have heatedly refused and stated the terms were outrageous, scandalous, unpatriotic. They were, of course, greatly disturbed and in a quandary as to what to do and how to get money to prosecute the war, and to feed, clothe, and equip the soldiers and sailors giving their lives to save the Union while the money sharks stayed at home and were growing rich by usurious interest.

It was then that Congress gave Lincoln authority to issue $60,000,000 of demand notes—Lincoln greenbacks. This was the first Government money ever issued, and these demand notes were full legal tender and were always on a par with gold.

These demand notes circulated freely among the people and throughout business, bringing prosperity in their wake. However, the fertile brain of greed set to work to overcome this prosperity of the people and create a market for their hoarded gold. These were trying times, and their work must be done on the "quiet." It was a sore disappointment to have the Government use its own credit to carry on the war. Some plan must be devised to get the Government to abandon its own credit and delegate authority to the money changers to use the Government credit. This scheme was carried through under the excitement of war and unaware to the people; even the Congress itself was unaware of the crime it had committed.

In the subsequent issue of greenbacks a bill was quietly slipped through Congress putting this inscription upon them: "Except interest on the public debt and duties on imports." What happened? The importer who had received a cargo of goods from abroad took his greenbacks and went to the customs agent to pay the duty on them. Again, what happened? He was told that the Government would not receive this greenback—its own paper or note—in the payment, but the importer must bring gold to pay. The astonished importer exclaimed: "Why will you not receive your own money or note in payment of debt to you? Why discredit your own obligation?" The agent said he had instructions from the Government not to receive it, but must have the gold. So the importer was forced, by an act of repudiation of his own Government, to go to the gold-holding money changer and exchange his greenback for gold.

Of course, at each customshouse the money sharks with their hoarded gold had an office and sold the gold to the importer for an average throughout the war of $2 of greenback to one of gold. Then they took the greenbacks and bought Government bonds at par, which practically cost them 50 cents on the dollar. Every bond sold during the war was sold for United States notes—Lincoln greenbacks.

The money changers could then take the Government bonds bought with depreciated greenbacks and establish a national bank by depositing the bonds with the Government and have issued to them 90 percent of the face value of the bonds—national bank notes—which they loaned out at usurious interest. What a racket! And yet the country stood for it.

Matters were now brightening for the money changer with his hoarded gold. It was now, by this act, bringing him an enormous profit. However, the Government was not benefited by it in carrying on the war; not a dollar of gold was ever found on the wounded or in a dead soldier's pocket. It was the greenback he sent home to his wife and little ones to care for them while he was fighting his country's battles. He was risking his life to save a country which had repudiated the very money which it paid him. Where was coward gold all this time? Safely hid away in the vaults of the money changers demanding its pound of flesh. The despised greenback was out at the front with the soldier as he stormed up the heights of Lookout Mountain, or wading through the swamps and morasses of the Wilderness, staying with the "boys in blue" until Appomattox was reached, then home to wife and loved ones. But this act of repudiation was but the beginning of the money changers' acts of despoliation.

I am incorporating in my remarks a circular letter known as the famous Hazzard letter, which was sent out by the European money changers to the American brethren in 1862 in our darkest hour of the war:

> Slavery is likely to be abolished by the war power, and chattel slavery destroyed. This, I and my European friends are in favor of, for slavery is but the owning of labor and carries with it the care for the laborer, while the European plan, led on by England, is for capital to control labor by controlling the wages. This can be done by controlling the money. The great debt that capitalists will see to it is made out of the war must be used as a means to control the volume of money. To accomplish this, the bonds must be used as a banking basis. We are now waiting for the Secretary of the Treasury to make the recommendation to Congress. It will not do to allow the greenback, as it is called, to circulate as money any length of time, as we cannot control that.

This letter met with such a favorable reception by the money sharks of America that it inspired the Rothschild brothers, at that time the money kings of England, to send their agents to this country to devise a banking scheme that would enable them to pillage and plunder indefinitely the people of this country after the war had ended, and to that end they proposed to the Lincoln administration that they would finance the war for bonds provided the Government would give them a bank charter which would permit them to deposit said bonds with the Government as collateral and the Government would issue to them 90 percent of the face value of the bonds in currency which would circulate as a medium of exchange and perform all the functions of real money. Lincoln was very much opposed to this scheme as it was his desire to continue the issuing of greenbacks without the exception clause. He was an ardent believer in the Government issuing its own money, as was evidenced by his statement on this subject as follows:

> Money is the creature of law; its creation and original issue should be maintained as an exclusive monopoly of the National Government. The needs of all can best be served by issuing national currency and credit through the operation of a national banking system.

In analyzing the above statement of President Lincoln, do not be misled by thinking that he referred to the present deceptively named national bank system composed of privately owned banks—for he said that the Government should have an exclusive monopoly on the issue of money and control of credit, therefore, he meant a real Government-owned system.

When he was severely criticized by his friends, who believed as he did for yielding to the money changers, he replied:

> What could I do when I was confronted with the Confederate Army courageously fighting for the disunion of the Nation in front of me and the avaricious greedy and unpatriotic bankers behind me?

I had to yield to the bankers to save the Union and thusly with the aid of Senator Sherman, of Ohio, and Congressman Hooper, of Massachusetts, the iniquitous national banking system was established.

At last the war was ended, with a sore and bleeding Nation, the North jubilant in its glory, but hardly a hearthstone that did not have its share of grief and sorrow for its dead or maimed soldier, brother and father. The South, crushed to remain so for many years, for a lost cause, but one in which they believed to the very bottom of their hearts was a just one. Thanks to God they were later to realize they really won their greatest victory when they lost the war, and were saved to remain a part of the future greatest nation the world has ever known.

Thanks to the money barons, the Government had been saddled with a bonded debt of billions of dollars, to be met with taxes for generations to come, instead of the Government having been allowed to continue issuing its full-legal tender greenbacks, which Lincoln lauded as "America's greatest blessing," her own paper money to pay her own debts.

I am quoting for your information an interview of Lord Goschen, eminent English monetary authority and director of the Bank of England, giving his views as to the ultimate result of the American Government using greenbacks to finance the Civil War:

What, it may be asked, will be the value of gold to them (the people of the United States) if they neither require it for internal circulation nor for payment of foreign liabilities, from which, under our hypotheses, they will be comparatively free?

If that mischievous financial policy which has had its origin in the North American Republic during the late war in that country should become indurated down to a fixture there, that Government will furnish its money without cost. It will pay off its debts and be without debt. It will have all the money necessary to carry on its commerce. It will become prosperous beyond precedent in the history of civilized governments of the world. The brains and wealth of all countries will go to North America. That Government must be destroyed, or it will destroy every monarchy on this globe. (London Times, 1865.)

The first and second banks of the United States were the "horse and buggy" days of banking—the privileges granted them by the Government were inconsequential in comparison to the privileges that were granted to future banking systems. When they were put out of business by Jackson, the American people endorsed Jackson's veto of their charter. The money changers remained dormant until the Civil War broke, at which time they became active again to take advantage of the Government in the direst days of its existence and forced upon the people a "model T Ford" banking system, which was known as the national banking system—misnamed, as it was not a Government bank, as the name implies—but a great improvement over the United States banks to rob the people by controlling the credit of the country, inflating and deflating at will. The money changers, operating the national banking system, did their dirty work by clandestine meetings and secret correspondence.

In 1877 Mr. James Buel, secretary of the Associated Bankers of New York, Boston, and Philadelphia, sent the following circular letter to the members of his association. It was an astounding letter, which reads as follows:

DEAR SIR: It is advisable to do all in your power to sustain such prominent daily and weekly newspapers, especially the agricultural and religious press, as will oppose the issuing of greenback paper money; and that you also withhold patronage or favors from all applicants who are not willing to oppose the Government issue of money. Let the Government issue the coin and the banks issue the paper money of the country, for then we can better protect each other. To repeal the law creating national-bank notes or to restore to circulation the Government issue of money will be to provide the people with money, and will therefore seriously affect your individual profit as bankers and lenders. See your Congressman at once and engage him to support our interests, that we may control legislation.

(Signed by the secretary:)

JAS. BUEL,
No. 177 Broadway, Room 4, New York.

Another letter of the same character reads as follows:

DEAR SIR: The interests of national bankers require immediately financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired, and the national-bank notes upon a gold basis made the only money. This will require the authorization of from $500,000,000 to $1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential businessmen. Advocate an extra session of Congress for the repeal of the purchasing clause of the Sherman law, and act with the other banks of your city in securing a large petition to Congress for its unconditional repeal, per accompanying form. Use personal influence with Congressmen, and particularly let your wishes be known to your Senators. The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of Government legal-tender notes and silver coinage.

After the model T Ford became antiquated, Ford built a new model, a great improvement over his original machine. Likewise, the money changers got out a new banking law, a great improvement over the original, so they came to Congress with the plea:

We have just got to rescue our country or it will all go to the dogs, but if we do this we will just have to have more money. You know money is "tight" and hard to get, and we have just about got all the money from Uncle Sam on the Government bonds that we can (and, besides, those Government bonds are too high; we simply can't afford them). But we have a whole vault full of nice yellow corporation bonds that we have kindly floated in the last 10 years, and if you (to our Congress) will just permit us to turn these over to the Treasury and issue us nice new national bank notes on these bonds, then we can loan out the nice new money and save the country. But you will have to hurry; no time to lose; never can tell what will happen.

So Congress hurried and passed the Aldrich-Vreeland emergency law, giving the money changers their law, and the Secretary of the Treasury—kindly, without any authority in the bill—changed the wording on the new national bank notes to read, "This note is secured by bonds of the United States or other securities," instead of just "by the United States bonds."

The improved machine over the old model T system, the Aldrich-Vreeland emergency law, did not work so well. Something went wrong with the brakes, with it going at full speed in turning the corner, and it went into the ditch and the people woke up one morning in 1907 and found banks refusing to cash their checks. This was an awful bad break for the money changers, as they were caught red-handed operating the money system.

Another national election off-year came around and elected a Democratic Congress which portended evil for the money changers. Then followed the national election in which Woodrow Wilson was unexpectedly nominated and elected President by the Democrats. The money changers were shaking in their boots—terrified. Who was this man, Wilson, the college professor, accidently elected as Governor of New Jersey? What was his record in regard to banking when he was Governor? In ferreting out this information, they ascertained he had convictions concerning the money changers' operation of our banking system, which was evidenced by the following excerpt of a speech he made while Governor of New Jersey in 1911:

The great monopoly in this country is the money monopoly. So long as that exists our old variety and freedom and individual energy of development are out of the question.

A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men who, even if their actions be honest and intended for the public interest, are necessarily concentrated upon the great undertakings in which their own money is involved and who, necessarily, by every reason of their own limitations, chill and check and destroy economic freedom. This is the greatest question of all; and to this, statesmen must address themselves with an earnest determination to serve the long future and the true liberties of men.

The opinion expressed in this speech convinced the money changers that something had to be done to give the people a new system. The old models had worn out and had become dangerous to operate. Ever resourceful, the money sharks picked the man of the hour. Who was he? None other than Paul M. Warburg himself. The banker right from the holy of holies of all money changers—temples on the Rhine at Frankfort, Germany, the Rothschild temple itself. Well, now, maybe this fellow can "figger" out something in the way of money changing for us over here.

Paul Warburg did not fall down on the job. He threw all the old systems into the junk pile and presented to Congress, with his compliments, a new streamlined 16-cylinder Rolls Royce banking law, and he gave all of his time gratis lobbying the bill through Congress, and inspired the chambers of commerce, boards of trade, newspapers, periodicals, little banks, to get busy and write their Congressmen and

Senators to be sure and vote for it. It was to be named, as usual, a deceptive name, something to fool the people, the mighty Federal Reserve Act—the ultimate of ultimates, the last word in banking and the death to all panics and hard times, and the people were fooled again, with the result that the bill was passed December 23, 1913, and Mr. Paul M. Warburg's name will always be associated with that infamous law, and that distinguished gentleman who was coached and trained by the high priests of the money changers in all the intricate and complicated money-manipulation trickery known to the "House of Rothschild on the Rhine," and who had been in our country only 6 or 8 years before he became the "father" of the "monstrosity"—the Federal robbers act.

And does it work—this money changers' "last word" in banking practice? Does it make panics impossible? Does it make money plentiful at all times? Does it keep our farmers and industries running at a paying rate? Well, dear countrymen, look about you and see the effect of the "last word" put over on us by the "House of Rothschild" and decide for yourself.

It is said in well-informed circles, now that the Federal Reserve System was especially prepared for us, and rushed through Congress just in time to have it working smoothly so we could finance and pay for the great World War, that they, the Morgans, the Warburgs, the Schiffs, the Kuhns, Loebs, the Seligmans, the Monds, the Sassoons, the Rothschilds, and other money changers of their kind are said to have had in preparation, boiling and stewing for years, and were just about ready to cut loose, and which was "cut loose" in August 1914.

My friends, kindly let your minds travel back to the founding of the first big legal bank, spoken of in an earlier chapter, the Bank of England. Same story—privately owned. Then again, the first bank of the United States; the same thing again. Sounded like the Government owned it, did it not? And again, the second bank of the United States, ditto—privately owned. Then, later, a slight change, but still confusing and misleading. The National Bank Act, giving name of "national banks." The same old thing again—deception, make believe, confusion. Then the crowning glory of all "the Federal Reserve System," or as some people call it, "the Federal Robbers' System." The same old stuff again, and if the reader will start asking his acquaintances who owns the Federal Reserve banks he will likely be surprised at the great number of people that really believe that they are owned by our Federal Government. So the idea of the name really works, and does as it is intended to do—confuse and mislead the people into thinking the banks are owned by the Government and, of course, as safe and sound as the Government.

President Wilson knowing the leading part played by Mr. Warburg, his energetic, untiring, and patriotic efforts in the enactment into law of the modern streamlined Rolls-Royce banking system, showed him his appreciation for the sacrifice he had made without pay by appointing him a member of the first Federal Reserve Board. When his name was sent to the Senate, as is usual, to investigate his fitness for the job, Mr. Warburg told the Senate Committee that he was making a heavy financial sacrifice to accept the position on the Federal Reserve Board. Quoting Senator REED, who was a member of the investigating committee: "May I ask what your motive is, or your reason for making that sacrifice?" Mr. Warburg replied: "My motive is that I have, as you know, taken a keen interest in this monetary reform since I have been in this country."

St. Matthew, chapter 22:

> Beware of false prophets, who come to you in the clothing of sheep but inwardly they are raving wolves. By their fruits you shall know them. Do men gather grapes of thorns or figs of thistles?

No one can gainsay the avowed purpose of the Federal Reserve law was not beneficial to the general welfare had it been administered by honest conscientious men for the welfare of the people. The fundamental principles of the law was to furnish an adequate supply of money for legitimate business free from monopoly control, and to keep it in active circulation among the business interests of the country. This intent was right and under proper administration would have proved very beneficial to the public welfare and we would not now be experiencing these hard times. That it has passed from the hands of the people and into the hands of the money changers as Mr. Warburg intended, is evidenced in the impoverished condition of the country in general.

Laws may be ever so beneficial if administered right and just as injurious when administered wrong. It is not so much in making laws as administering them. Had this law been administered as intended, by President Wilson and Congress, the congestion of money for stock gambling purposes could not have occurred, and the past 10 years would have been prosperous instead of disastrous.

The World War started in 1914 and the Federal Reserve System performed wonderful service. The Democratic Party was proud of their responsibility for its banking law, as was evidenced by the financial plank in the 1916 platform:

1916

> Democratic: Our archaic banking and currency system, prolific of panic and disaster under Republican administrations—long the refuge of the Money Trust—has been supplanted by the Federal Reserve Act, a true democracy of credit under Government control, already proved a financial bulwark in a world crisis, mobilizing our resources, placing abundant credit at the disposal of legitimate industry, and making a currency panic impossible.

You will note the last few words of the plank "and making a currency panic impossible." Now, let us see what happened when there was a change in administration in 1921 and there was a new board of engineers who took charge of the system. I insert the Democratic platform of 1924 and it will tell you what happened:

1924

> Democratic: We denounce the recent cruel and unjust contraction of legitimate and necessary credit and currency, which was directly due to the so-called deflation policy of the Republican Party as declared in its national platform of June 1920 and in the speech of acceptance of its candidate for the Presidency. Within 18 months after the election of 1920 this policy resulted in withdrawing bank loans and discounts by over $5,000,000,000 and in contracting our currency by over $1,500,000,000. This contraction bankrupted hundreds of thousands of farmers and stock growers in America and resulted in widespread industrial depression and unemployment. We demand that the Federal Reserve System be so administered as to give stability to industry, commerce, and finance, as was intended by the Democratic Party, which gave the Federal Reserve System to the Nation.

You will see that they charge the new engineers in administering the Federal Reserve System, which they claim would prohibit the money changers and speculators of Wall Street from robbing the people. They charge the new engineers with "withdrawing bank loans and discounts by over $5,000,000,000 and in contracting our currency by over $1,500,000,000," with the result that it "bankrupted hundreds of thousands of farmers and stock growers in America and resulted in widespread industrial depression and unemployment," and they might have added truthfully, according to the report of the Committee on Agriculture, "it reduced the value of farm products from $78,000,000,000 to $58,000,000,000, a clear loss of $20,000,000,000 to the farmers of the Nation. This is the banking system that was handed to the American Congress by Paul Warburg and was operated as was expected by him.

Now, let us briefly call your attention to some of the maneuvers which brought about the 1921 depression. A secret bankers' meeting was held May 18, 1920, in Washington, D. C., behind closed doors and closed curtains and in the very shadows of the Capitol. And in the name and style of "the orderly deflation committee of the American Bankers' Association," a secret resolution was passed declaring for the contraction of money and credits, and then they folded their tents and silently moved away.

No one knew of the meeting. No one knew who attended. No one knew of the resolution passed. And for 2 years 8 months and 4 days this meeting was kept a guarded secret. But true to an old saying, murder will out. And on the 22d day of February 1923 the manipulating bankers and finan-

ciers became involved in a dispute and contention over certain Liberty Loan bonds affected by the resolution passed. And in revenge, or in retaliation, or for other causes the proceedings of the secret meeting were published in the Manufacturers Record of Baltimore, Md., and for the first time the proceedings of this meeting and the names of the bankers attending were known to the outside world.

The published proceedings of this secret meeting show the same held as a conference in the name and style of the Federal Reserve Board and advisory council, with the action taken on a resolution assuming to be presented by the American Bankers Association. George L. Harrison was there. James B. Forgen was there. J. H. Puelicher was there. James A. Alexander was there, and other bankers who participated. But the manipulating financiers and bankers, and the master minds of frenzied finance engineering this gigantic secret movement, were not there, present and in person, but were pulling the wires, directing, and promoting their tools, puppets, and cat's-paws from afar, who may have been unmindful or unconscious of the crime they were bringing down upon their unsuspecting fellow men.

John Skelton Williams, Comptroller of the Currency and a member of the Board at the time of this secret contraction of money, who protested and remonstrated against the secret orders of the Federal Reserve Board, in explaining the course being taken, said:

I heard much talk while I was a member of the Federal Reserve Board about forcing the farmer to sell his wheat or the cotton planter to sell his cotton or the cattle raiser to sell his livestock or the wholesaler or retailer to sell their stock of goods.

But I must frankly tell you that I do not recall of a single occasion during the last 2 years of deflation when the Board ever discussed seriously the importance or desirability of requiring the big banks of New York City to liquidate (pay) a portion of their loans; some of which were lending millions of dollars to their own executive officials on highly speculative securities and to big syndicates in which those officials were actively interested, and which those banks had been carrying for months, and some for years, to liquidate a portion of their loans.

To corroborate the foregoing, I quote the following statement made by John A. Simpson, former president, National Farmers' Union, made in a Nation-wide radio address:

The latter part of January 1920 I was here in Washington and visited Mr. John Skelton Williams, who was the Comptroller of the Currency. I asked Mr. Williams, "When is deflation to begin?" He answered me, "The other members of the Board have just voted for it to begin May 1, this year." He said: "I told them that such a course would break lots of little country banks." He said: "They answered me that the little banks ought to break; there are too many of them." Tears were on his cheeks when he said that he told them "such a course would ruin lots of farmers," and that they cold-bloodedly replied, "They ought to be ruined; they are getting so prosperous they won't work."

Mr. Williams should have told the Board also that it would ruin millions of low-salaried laboring people, such as shopgirls, policemen, motormen, and common laborers, whose patriotism was aroused in every city, town, and hamlet in the country by prominent speakers, actors, brass bands, and torchlight processions, and the word flashed on every moving-picture screen in the United States:

Buy Liberty bonds, buy until it hurts, and if you do not have the money, your bank will finance you and accept monthly payments. Contribute your part toward winning the war—

With the result that three-fourths of the bonds sold were bought by people of ordinary means and not able to invest in bonds. The banks were filled with bonds purchased by the people who had no cash, but were paying for them on the installment plan, and the banks were honest in informing them that they would be taken care of by the partial-payment plan; but when the Federal bank robbers' system sent out the word to call loans, reduce the volume, which was done at the extent of $5,000,000,000, and reduce the volume of money from one billion and a half to two billion dollars, the little banks of the country were forced to throw millions and millions of bonds on the market in order to secure cash to pay their depositors, with the result that bonds depreciated as much as 20 percent on the dollar, which, of course, caused a loss of the original purchase and all of the payments they had made. The money sharks did not finance the war, but the great masses of people financed the war by buying the bonds. The money sharks loaded up on the depreciated bonds, stock, and so forth, as they had control of the money and fostered the depression behind closed doors through the operation of the Federal robbers' banking system to rob the people.

Mr. Simpson stated in his broadcast that he wished that he would be asked to prove the truth of the above interview with Mr. Williams in court. You will note above that Mr. Williams told the Board that if they carried through their deflation program that it would break lots of little country banks. They answered that the little banks ought to break for there were too many of them. Did Williams' prophecy come true? Judge for yourself. The official records show that on June 30, 1921, there were 30,560 banks of all kinds in the country. On December 31, 1938, the official records show that there were 15,265 banks of all kinds in this country. Subtract this number of banks from the 30,560 and the result will show you that 15,295 banks were wiped out of existence by the deflation program of the Federal Reserve Banking System. Mr. Williams also told the Board such a course would ruin lots of farmers and they cold-bloodedly replied: "They ought to be ruined; they are getting so prosperous they won't work," and Mr. Williams' prophecy again came true, and the records show that untold millions of farmers have been evicted from their homes by the foreclosing of mortgages, and are now tenants where they have to work to clothe and feed their families on the farms they once owned and made their happy homes. While Mr. Williams did not say so, it would mean ruination to thousands of business enterprises of the country. The records show that from 1920 until 1933 there were 302,314 business failures throughout the country.

Now, my countrymen, just stop and think for a moment of the wreck and ruin, the sorrow and suffering, the suicides, hunger, rags, and wretchedness wrought by the Federal Reserve Board at the behest of the heartless, cruel money changers.

The panic of 1921 was not a mystery—it was a conspiracy, as are all other panics, a deep-laid criminal plot. No pirates boarded a merchant ship to scuttle and sink the vessel; no highway robbers ever rode masked; no bandit burglars ever blew a safe with more deliberate criminal intent than the international financiers and their American mercenary money changers who maneuvered from afar or pulled the manipulating wires from behind closed doors and closed curtains, directing their tools and puppets in the secret bankers' meeting and on the Federal Reserve Board, fawning to do their will and bidding.

Oh, that I had the power of eloquence and command of language to coin sentences that would sear like sulfurous flames coming hot from Hell—I would weave of words a whip of scorpions to lash the money changers naked through the words.

I would rather be a fox and steal fat geese that a miserly millionaire and prey upon the misfortunes of my fellows. I would rather be a peddler of hot peanuts than vote for a law that gives to bond grabbers and boodlers privilege to despoil the pantries of the poor. I would rather play a cornstalk fiddle while pickaninnies dance than to be an unscrupulous politician and build of widows' sighs and orphans' tears and flimsy bubble of fame to be blown adown the narrow beach of Time and Eternity's shoreless sea.

The 1921 panic was comparatively of short duration. It was a test of the power and the efficiency of the Federal Reserve System to manipulate the prices of stocks, bonds, mortgages, commodities, livestock, and so forth, and it worked beautifully—100 percent.

The money changers were in a high glee. They closed thousands of banks and foreclosed tens of thousands of mortgages and made millions in buying depressed stocks. They used good judgment in not prolonging the panic into a depression, therefore, they began reviving their victims by administering a dose of inflation, expanding credit, bringing back prosperity, good times, in order that their victims might be able to accumulate for the next picking. In 1926 the country became very prosperous but instead of having

another little panic and fleecing their victims, the money changers concluded to further test the efficiency of their new banking system by making "a big killing" and they extended credit without limit and brought about a wild orgy of speculation in the stock markets. The Federal Reserve banks could have stopped this orgy of speculation any time before the crisis in 1929 but their avarice and greed blinded them to their fate and like the speed fiend in the automobile who keeps stepping on the gas, they extended credit until they met their Waterloo; when the hydraulic brakes refused to work, they lost control and their machine went into the ditch. This catastrophe was too much for the people of the country and when the next national election rolled around, the people lost faith in Herbert Hoover and his promise of prosperity just around the corner, two cars in every garage, and a chicken in every pot, and buried him under an avalanche of indignant American voters.

The present depression, which started in 1929, is the worst depression of all time, world-wide, and of the longest duration of any yet to occur, more unemployment, more bankruptcies and business failure, more misery and starvation, loss of homes, suicides, and demoralization than the world has ever experienced before. This is the result of the operation of the present banking and monetary system.

After nationalizing gold in 1933, the President, by authority of Congress, revalued gold by increasing its price from $20.67 an ounce to $35 an ounce. This automatically reduced the content of the gold dollar from 23.22 grains to 13.71 grains plus. This revaluation produced a great howl from the Shylocks of the country, who always want their pound of flesh. And the money changers predicted dire results. However, the change took place, and the man on the street did not know it happened, and no complaint was registered from anyone except the Shylocks who had written gold dollars of 23.22 in their notes and bonds, which was declared unlawful by the lower courts and sustained by the Supreme Court.

I want to call your attention to the fact that no bonds or obligations from the foundation of the Government, including the billions issued during the Civil War, were made payable in anything except United States money. However, in 1869, the money changers influenced Congress to pass what is known as the Credit Strengthening Act, which made bonds payable in coin—gold and silver basic money. In 1873 silver was demonetized as basic money, which had the effect of making all bonds and other obligations of the Government payable in gold. Had the President revalued gold, by reducing the content of the gold dollar in the same proportion that France reduced the content of her franc, our gold today would be worth over $250 an ounce.

To illustrate to you how far the debasing of the French franc has come, will state that before the debasing began a tourist in France could take a United States $20 gold piece, which is approximately an ounce of gold, and exchange it for 107 francs. Now you can take that same $20 gold piece and exchange it for over 1,300 francs. Yet a lot of the money changers in this country are complaining because the President has made a modest revaluation of the gold ounce.

No President of the United States was ever confronted with a more stupendous problem than was President Roosevelt—15,000,000 laboring men tramping the highways and byways looking for work, their wives and children in hunger and rags, being fed by charity—farmers bankrupt, all commodity prices at their lowest ebb, business of every kind stagnated, factories closed, people losing their life savings when banks were toppling like tenpins. The President took drastic action by closing every bank in the country, as there was not a bank in the Nation that could have paid its depositors, and all of this catastrophe, rack and ruin, was deliberately brought about by the manipulation of the Federal Reserve Banking System. In my opinion the President made the mistake of his life in not coming to Congress and asking for legislation providing for the taking over of the Federal Reserve banks by the Government and following in the footsteps of the immortal Lincoln at the beginning of the Civil War when he was confronted with a like emergency, and by putting the presses to work printing Roosevelt greenbacks like Lincoln printed Lincoln greenbacks. Instead, he pursued another course and began printing interest-bearing, nontaxable bonds, and kept the Federal Reserve System which on two occasions had wrought such unprecedented havoc. But he changed the personnel of the management of the System and appointed as chairman of the Board an unsophisticated country banker from the West by the name of Marriner S. Eccles. The people had implicit confidence that the System would be run in the interest of the great masses of the people rather than in the interest of the money changers. In the meantime the President, leaving the banking problems to Mr. Eccles, turned to the Herculean task of restoring price levels of commodities so that the farmers of the Nation who produced the wealth could return the country to the road to permanent prosperity and to that end he spent billions of dollars in every conceivable way—subsidies, bonuses, fertilizer, seed, and so forth, all of which the farmers appreciated, or should have appreciated, in his efforts to help them out of the rut that had been brought about by the international bankers through the operation of the Federal Reserve System. His plan seemed to be reduction of the production of commodities—the plan of scarcity—when, in my opinion, he could have accomplished the purpose he desired by increasing the volume of money and credit which would have entailed no expense to the Government. I will show later on by Mr. Eccles' own statement that he agrees in this opinion. The President's scarcity plan was accomplishing the results he desired, as evidenced by the rising commodity and other prices in the latter part of 1936 and 1937. But it seems the recovery of price levels did not meet the approval of Mr. Eccles, as evidenced by the annual report of the Federal Reserve banks of 1936 and 1937. I am going to prove this assertion by quoting in part a speech made on the floor of the Senate by Hon. KEY PITTMAN, the distinguished Senator from Nevada, on April 11, 1939. Senator PITTMAN was chairman of the committee investigating relief appropriations and silver, and Mr. Eccles was a witness before that committee.

Mr. PITTMAN. Mr. President, I never have been able to see how borrowing money by our Government, and its expenditure for work-relief labor, could ever raise commodity prices in this country to the level of 1926, which we seek. In fact, it has not done so. I think the time should very quickly come when this policy should cease; but I do not believe it ever will cease unless some action is taken by Congress to restore the price level of commodities in this country.

We certainly have some control over our monetary agents in this country. It would seem that we should have some control over the Federal Reserve Board, and some control over the Treasury Department. If we have not, we should have. It is perfectly evident that the Federal Reserve Board, in connection with the Secretary of the Treasury, in the latter part of 1936 and the early part of 1937, caused the recession of 1938, as it is called, and did it deliberately.

In the latter part of 1936 and the early part of 1937 commodity prices in this country had reached nearly the parity of 1926. As a matter of fact, farm commodity prices had reached 96, as compared with 100, which meant that the purchasing power of the dollar was down to 101.

Within a few months after that commodity prices were driven down 24 percent, and they are down at that point now. The general prices of agricultural products were driven down more than 24 percent, and they are there now.

We have tried every kind of scheme to save agriculture. We have paid the farmers to reduce their production; we have paid them bonuses in the form of loans. Yet it has not affected their commodity prices at all, and unless something is done to affect commodity prices, the present condition is bound to last forever.

Let us look at what Mr. Eccles, the great genius in charge of the Federal Reserve Board, said in his report at the end of 1936. This is a splendid report. In 1936 it looked as though we were not going to have any unemployment in 1937 and 1938; it looked as though the prices of all commodities would reach 100.

I want Senators to listen to this report for just a moment. On page 3 of the Annual Report of the Board of Governors of the Federal Reserve Board for 1936 we find the following:

"Progress in industry and trade was substantial in 1936. Production of durable goods increased considerably, and output of nondurable products also showed growth, particularly in the latter half of the year."

I am reading from a great monetary and economic genius, and I hope to conclude in a moment:

"The increase in durable-goods production reflected purchases of equipment both by industry and by individuals, as well as further expansion in construction. There was a general rise in employment, and income in both urban and rural areas was considerably

larger than in other recent years. Capital values increased during the year, and in the latter part of the year there was a general advance in commodity prices. Total national income rose to $63,800,000,000 for the year, as compared with $55,000,000,000 in 1935 and a low of $39,500,000,000 in 1932."

That was a splendid showing. On page 2 of the report we find the following:

"During 1936, however, business drew upon the banks and upon investors' funds to a considerably larger extent. Commercial loans to bank customers, after 3 years of little change, increased by $1,000,000,000, and securities issued by corporations to obtain new capital (as distinct from refunding issues) amounted to $1,200,000,000 or more than the aggregate for the previous 4 years combined."

The same story of prosperity proceeds. On page 1 of the report for the year 1937 we find the following:

"At the opening of 1937 economic activity was increasing rapidly. The output of mines and factories, after a steady rise for 2 years, had reached the average level of 1929. Increased activity was manifested both in the industries producing goods for immediate consumption and in those producing durable goods. Capital expenditures by manufacturing industries were increasing rapidly, in line with output and profits. There was some revival in residential construction, which had dwindled to a very low level during the depression and was still far from normal. Employment was expanding and wage payments were rising even more rapidly as the result both of reduction in part-time employment and of increases in hourly wage rates. Increased farm income, a large volume of dividend disbursements, and larger wage payments resulted in an increase in retail and wholesale distributions. Prices of securities were at the highest level since the early part of the depression; yields on bonds, both Government and corporate, had reached exceptionally low levels, and capital issues of corporations were in the largest volume of the recovery years. Many commodity prices were rising rapidly. Advances were particularly pronounced in agricultural and other raw materials; prices of finished goods were also rising. Increased domestic demand, together with a considerable volume of foreign demand, contributed to the advance. A wave of buying was in progress. * * *

"Relative to bank loans and the expansion of deposit currency, the Board reports as follows from page 2: 'The total volume of bank deposits and currency continued to grow and at the beginning of 1937 was at the highest level in the country's history. Bank loans to trade and industry had increased considerably and were growing. New York City banks were reducing their holdings of Government securities, but total investments of banks had changed little in the last half of 1936. Idle funds in the hands of institutions and individual investors continued large, and long-term money rates were exceptionally low.'"

On page 3 of the 1937 report we find the following assertion:

"Currency outside of banks had increased by about $2,000,000,000 between 1930 and 1937."

That is where currency must be to have any effect.

Now comes the report of the destruction of that prosperity, an admission on the part of Mr. Eccles that the Board deliberately destroyed that prosperity.

Yet I have never heard anything said in Congress against it. I have heard of no effort in Congress to control a situation of that kind. We are concerning ourselves with a feared waste of $50,000,000, when the act of the Federal Reserve Board struck down billions of dollars' worth of capital in this country with one blow. We are talking now about saving the taxpayers' money, and in my opinion, there is not a thing that we are talking about which has anything whatever to do with the restoration of the price level.

This is what the Federal Reserve Board did in conspiracy with the Treasury Department. On page 2 of the 1937 report we find the following:

"The rate of advance in business activity was, in fact, so fast that there were evidences of unsound developments."

There is the whole secret. There were evidences of unsound development. Prosperity was moving forward too rapidly to suit them, and there was threat of a boom. Yet there were 8,000,000 unemployed in this country at the time of that so-called threat of a boom. I read further:

"There was a large increase in forward orders in anticipation of further price and wage increases, together with uncertainties regarding deliveries, partly due to labor disputes, and shortages were developing in plant and equipment and in some classes of skilled labor. Notwithstanding the fact that recovery was far from complete and that there was still a large amount of unemployment, boom conditions were developing in particular industries and boom psychology began to be manifested."

Then what happened? On page 1 of the report of 1936 we find that the Board took action to check the upswing. This is what it reported:

"In July 1936 and again in January 1937 the Board of Governors took action to increase reserve requirements and thereby to eliminate a large part of the excess reserves that had accumulated. The combined effect of these two actions of the Board was to double the reserve requirements of member banks. Thus the power conferred upon the Board by the Banking Act of 1935 to increase reserve requirements for the purpose of preventing injurious credit expansion was fully utilized.

"In December 1936 the United States Treasury inaugurated a policy of setting aside in an inactive stock all gold purchased subsequent to December 23, 1936, and thereby preventing the further acquisition of gold from increasing bank reserves. The Treasury and Federal Reserve measures taken together largely eliminated the basis of a potential credit expansion arising from the large movement of gold to this country which had begun in 1934 and had greatly expanded the credit base of the country."

Again, on page 2 of the 1937 report the Board reported that the Treasury Department joined in the program which had the effect of curtailing and checking the return of prosperity. I read:

"In December the United States Treasury, after consultation with the Board, adopted a policy of placing new gold acquisitions in an inactive account, thus preventing further gold imports from adding to the reserves of member banks."

On page 3 of the 1937 report we find the following:

"In August 1936 the Board of Governors had raised reserve requirements for member banks by 50 percent in order to absorb a part of the $3,000,000,000 of reserves in excess of requirements held by member banks. Under the law the Board has the responsibility of changing reserve requirements in order to prevent injurious credit expansion or contraction, and the Board had acted to eliminate from the credit base a part of the redundant reserves accumulated through a large volume of gold imports. The Board's action was in the nature of a precautionary measure to prevent an uncontrollable expansion of credit in the future. The policy of maintaining easy money and credit conditions pursued by the System since the beginning of the depression continued to be in effect."

On page 3 of the 1936 report we find the following:

"The Board, therefore, in January and March 1936, took action to increase the margin requirements applicable to security loans made by brokers and dealers in securities and in March also made these requirements, as increased, applicable to loans made by banks on stocks for the purpose of purchasing or carrying stocks registered on national securities exchanges. By these measures the Board undertook to check the growing use of borrowed funds for speculation in securities, without limiting the supply or raising the cost of credit available for commercial, industrial, or agricultural purposes."

Senators, watch the development and see what happens. See what happens with this control of our monetary system. I continue to read from the 1937 report, page 8:

"About the middle of March prices of stocks and of lower-grade corporate bonds began to decline from the high levels to which they had risen. Advance buying by industry and trade slackened, and early in April prices of commodities traded on organized exchanges began to decline. During the summer increases in crop production contributed to the declines in prices of cotton and grains, while livestock prices advanced. Industrial output continued large, however, reflecting to a considerable extent the filling of orders previously received. In the spring months there was a decline in offerings of securities for refunding purposes which had been in record volume in the early part of 1936 when business organizations, particularly the public utilities, were taking advantage of the prevailing low level of money rates to reduce the cost of their indebtedness."

Here is the end of the story on page 10 of the 1937 report:

"As a consequence of these developments industrial production declined at an exceptionally rapid rate, and the Board's index, which had averaged 116 in the first 8 months of the year, fell to 84 in December. There were also sharp declines in factory employment and pay rolls. Movement of goods over the railroads was reduced and, with costs at a higher level, the earning prospects and financial positions of many railroads were impaired. In the commodity markets prices of raw materials and semifinished products showed widespread rapid declines, and prices of finished goods, which had risen somewhat further during the summer, also decreased. In December prices of some raw materials continued to decline but others, including steel scrap and cotton, advanced. Reductions in incomes were reflected toward the end of the year in reduced consumer buying of automobiles, furniture, and other durable goods. Residential building, which earlier in the year had decreased as a consequence primarily of higher building costs, declined further in the autumn, as uncertainties arose regarding income prospects. At this time there were some reductions in buildings costs, but with business activity declining people were reluctant to build new houses or buy old ones."

There is the history of the rise in 1936 and 1937, and there is the history of the decline down to the present time.

The Federal Reserve Board, which has extraordinary control over the monetary affairs of the United States, conceived in 1936, at a time when there were 8,000,000 unemployed persons in this country, at a time when the price levels had not yet reached those of 1926, that there was a boom, and that conditions were unsound, and the Board took every step in its power to stop the boom, and it did stop the boom, and put conditions where they are now, and since the conditions were brought to that point the Board has taken no action to overcome the wrong and the destruction it did. Instead of that, we have Mr. Eccles, in a very confused and pitiful way, writing a letter to the Committee on Banking and Currency, saying there have been very many disagreements on both sides, and that they would be very happy to have the Committee on Banking and Currency suggest to the Board what they should do.

Mr. President, there is no question what they should do. They cannot control the credit of this country, because a depositor in a bank will not use his money to buy anything so long as he thinks there is a deflationary movement under way and prices are going down. A bank for the same reason will not lend money so long as it believes there is a deflationary movement and prices are going

down. Let the depositor think that prices are going up and he will buy, and the bank will join him in lending. The Board has no control over the bank's credit. It has control over the currency in this country. Every time the suggestion is made that the Government use its function in issuing currency, business and banking institutions have been taught to be afraid and they are afraid that something will happen to our currency similar to what happened to the German mark. Therefore, the Board does not know what to do. It will say that there is just as much currency in this country now as there was in 1929. That is true. But where is it? In 1929 it was in the hands of the people. At the present time it is hoarded by the banks on one hand and hoarded by the depositors on the other.

Mr. Eccles tells us that in 1936 not only were deposits moving freely but currency in circulation out of the banks increased. I say "in circulation." I do not mean in circulation as the Treasury considers it to be when it is merely outside of the Treasury. I mean in circulation out of the Treasury and outside the banks.

The deposits at the present time are hoarded. It would make no difference if there were $20,000,000,000 in currency registered in the Treasury reports as being in circulation, which would simply mean that it was outside the Treasury, if all of it were hoarded in banks, both by the banks and the depositors. But there is no doubt that when the Thomas amendment to the agricultural bill was agreed to, authorizing the United States Treasury to issue and spend $3,000,000,000 in Treasury notes, it had an inflationary effect. Why? Because, as Jimmie Warburg said, there had never before been such an inflationary movement in this country as that. In addition, it provided another $3,000,000,000 which the Government might use to take up its current accounts. That made a total of $6,000,000,000. It was Jimmie Warburg who suggested that if such a bill were passed everyone who had a deposit would run out and buy something solid—buy commodities and real estate—and there would be the greatest inflation in commodity values that the United States ever saw. That was exactly what we wanted to the point of reflation.

But, Mr. President, none of that power was ever utilized by the President of the United States. He did not utilize the $3,000,000,000. And to make matters worse, as the inflationary period was coming, and the course of prosperity and commodity prices moved up, to July 1933, the Treasury Department again became frightened of boom, and deliberately issued a statement that there would be no inflation, and then prices dropped.

There are many definitions and theories as to inflation and to what effect it will have on the prosperity of the country.

For the information of the country, I am going to quote verbatim from the CONGRESSIONAL RECORD. The high mogul and authority on banking, Myron T. Eccles, was interrogated by Senator PITTMAN, chairman of the committee investigating silver, as follows:

The CHAIRMAN. What do you call "currency inflation"? Describe "currency inflation." I have heard the expression used quite a lot. I would like to know distinctly what it is.

Mr. ECCLES. To me it would mean where the supply of money, bank deposits, and currency, in the hands of those that spend that money, is greater than a country's ability to produce the goods for the market. It would be a condition of overemployment, a condition of inability to produce the goods, so that the supply of money in the hands of those who spend it is in excess of a country's ability to supply the demands.

The CHAIRMAN. What would be the effect, then?

Mr. ECCLES. The effect would be the rapidly rising price level. It would be a diminution of the purchasing power of the dollar.

The CHAIRMAN. Has not the Government been striving apparently for 6 years to lower the purchasing power of the dollar and to raise the price level of commodities? That has certainly been the effort of our Government for 6 years.

Mr. ECCLES. Of course, you speak of "the Government." It is difficult for me to say. There are different views with reference to it. There are some people in the Government, and I think practically everybody felt that the prices should go up, it would be desirable to have higher prices certainly than they were in 1932, that the prices should bear certainly some relationship to fixed charges and debt structure. If it is possible to create that condition, I would think that was desirable.

The CHAIRMAN. As I understand you now, and I hope I do, the effect of currency inflation would be to raise rapidly price levels; isn't that true?

Mr. ECCLES. That is right.

The CHAIRMAN. Then by "currency inflation" you could bring the price levels up to what the Department of Labor fixes as parity. That is true, isn't it?

Mr. ECCLES. You may get a great variation in prices. You may have some prices very low, and you may have other prices higher. Taking an average price level, I think that is true.

Now read carefully and analyze the above statement and determine whether you want inflation and prosperity or deflation and poverty.

From the foregoing information every fair-minded man must come to the conclusion that the Federal Reserve Banking System brought on the depression of 1920 by contracting the volume of money. About 1922, after the victims of the depression had been buried and forgotten, the bankers running the System began to expand credit, and through the subsidized press painted a glorious picture of the future. The expansion continued until the depression of 1929 broke upon the country like a clap of thunder out of a clear sky. They extended unlimited credit on a bull market and contracted credit on a bear market, when they should have done exactly the reverse in each instance. This has been the method of the money changers who have controlled the credit of the country, through the national and Federal banking systems ever since the Civil War. It was a case of the pitcher going to the well once too often. Drunk with power, they extended credit and encouraged speculation until prices reached the sky, and when the big financial operators had a conference and decided to unload on the public it was like hollering "fire" in a crowded theater, and they all rushed to get out at once and lost control, like the blind Sampson they pulled the temple down upon themselves.

The official statistics of the Treasury show that in 1929 there were 25,330 banks in operation with $57,910,641,000 on deposit. Every depositor had a right to think that his check would be honored with cash on presentation, when, in fact, there was only $4,459,000,000 of all kinds of currency, from 1-cent copper pieces to $10,000 bills, in existence. Now, how could the banks cash the depositors' checks? It was a physical impossibility, with a result that more than 10,000 banks closed their doors, with colossal loss to the depositors. This is the direct result of our present banking system.

The Good Book says, "By their fruits ye shall know them"; therefore, it would be fair to judge the Federal Reserve System by this standard.

During the 23 years of its operations commodity prices have fluctuated more than during any comparable period in the country's history. Commercial failures have been more than ever before in a like period in the history of this Nation. Through its manipulations, 3 years prior to 1930, saw the greatest period of stock gambling and speculation in the history of the world. It created hundreds of thousands of stock gamblers, and when the crash came left otherwise reputable citizens insolvent and millions broken in spirit. It piled up an amount of loans through the banking institutions of the Nation that reached the stupendous total of more than $40,000,000,000. Such a condition cannot be found in the financial history of any of the great countries of the world.

It has been the greatest piece of legislation for special privilege that has ever been conceived in the legislative halls of the Nation. During its operation greater combinations of capital have been formed than the country has ever known. The records show that at the peak of the depression 15,000,000 men were walking the highways and byways for work they could not get. Twenty-five million men, women, and children—hungry, ragged, and wretched—were on relief. Ten thousand bank failures, entailing the life savings of millions of people, left in their deadly trail bankrupt States, cities, and counties, farmers and businessmen; and we were told that the Federal Reserve System would insure confidence and make financial panics impossible.

Now, my countrymen, when the people complain that we do not have enough money the stereotyped answer is that the banks are loaded with money—more money than they know what to do with. "Now let's look at the record," as Al Smith says. Therefore, for your information, I incorporate in my remarks a letter over the signature of the Deputy Comptroller of the Currency dated May 27, 1939:

TREASURY DEPARTMENT,
COMPTROLLER OF THE CURRENCY,
Washington, May 27, 1939.

DEAR SIR: In reply to your communication of the 24th instant, there is shown below the information requested with respect to the capital stock of Federal Reserve banks, and the number, total deposits, and cash in vaults of member banks of the Federal Reserve

System, and nonmember banks in the United States and possessions:

As of Dec. 31, 1938

Capital stock of Federal Reserve banks	$134,575.000
Member banks:	
Number	6,338
Total deposits	$43,363,138,000
Cash in vaults	$745,650,000
Nonmember banks:	
Number	8,927
Total deposits	$18,544,623,000
Cash in vaults	[1] $204,744,000

[1] Cash in nonmember insured banks only. Cash in all nonmember banks not available.

Very truly yours,

C. B. UPHAM, *Deputy Comptroller.*

Now, I will analyze the data in the above information. By dividing the total deposits of the member banks of the Federal Reserve System by the total number of Federal Reserve banks the answer will be that the average deposits in the member banks is $6,841,769. By dividing the total cash in the vaults of the Federal Reserve banks by the number of banks it will give you $117,647, the average amount of cash in each bank. Now divide the total deposits of all the member banks into the total cash in the vaults of all the member banks and the result will be that for every dollar that the people of this country had on deposit in the Federal Reserve Banking System there was just 1¾ cents in cash in the vaults of the banks to pay the depositors.

The number of nonmember banks in the country on December 31, 1938, was 8,927. Divide that into the total deposits as indicated above and the result will be $2,077,264, the average amount deposited in each nonmember bank. The cash in vaults of all nonmember banks is $204,744,000. Divide that by the total number of nonmember banks as indicated above and the result will be that the average amount of cash in the vaults of nonmember banks is $22,936. Now divide the cash in the vaults of the nonmember banks as indicated above by the total deposits as indicated above and the result will be that for every dollar that the depositors have in the nonmember banks, there are 1⅒ cents in cash in the vaults of the banks to pay the depositors.

To carry this analysis a little further, you will add the total amount of deposits in the member banks and the total amount of deposits in the nonmember banks which makes a total of $61,907,771,000 deposits in all the banks of the country, Federal and non-Federal. Now we will add the total amount of cash in the vaults of the member banks, $745,650,000, and the total amount of the cash in the vaults of the nonmember banks, $204,744,000 which makes a total of $950,394,000 which shows that the people of this country on the 31st day of December 1938 had more than 60 times the amount of money on deposit as there was actual cash in the vaults to pay their checks. Let us carry this analysis a little further. On December 31, 1938, the report of the Treasury showed that there was in circulation $6,856,408,515. Now subtract from that the total amount of actual cash in all the vaults of all the banks of the country and the result will be that there is $5,906,014,515. Now where is this stupendous amount of money? Your guess is just as good as mine. But why appeal to the banks of the country to loan more money when the records show there is less than 2 cents of actual cash in the vaults to pay each dollar of deposits.

STATISTICS FROM THE UNITED STATES COMPTROLLER GENERAL'S OFFICE

As of June 30, 1928

Number of member banks	8,929
Total deposits	$36,060,000,000
Actual cash in vaults	$449,000,000
Number of nonmember banks	17,384
Total deposits	$22,371,000,000
Actual cash in vaults	$439,000,000

Analyze the above statistics and it will show that there was less than $1.25 in cash in the vaults of the member banks of the Federal Reserve System to pay each $100 deposit on June 30, 1928, and $1.96 in cash in the vaults of the nonmember banks to pay each $100 deposit, and yet we are told on every hand that the banks of the country are loaded with money.

As of June 30, 1932

Number of member banks	6,980
Total deposits	$27,864,000,000
Actual cash in vaults	$481,000,000
Number of nonmember banks	12,183
Total deposits	$17,525,000,000
Actual cash in vaults	$313,000,000

Analyze the above statistics and it will show that there was less than $1.75 in cash in the vaults of the member banks of the Federal Reserve System to pay each $100 deposit on June 30, 1932, and a little over $1.78 in cash in the vaults of the nonmember banks to pay each $100 deposit, and yet we are told on every hand that the banks of the country are loaded with money. This is the high-powered streamlined 16-cylinder Rolls Royce Rothschild banking system placed on the statute books of this country by Paul Warburg.

Would not the bankers be in a devil of a fix if everybody in case of a panic naturally rushed to get their money out? There would not be a bank in the United States that could pay off its depositors, and the only thing that could save the country would be to do what the President did in 1933—call a bank holiday. In the meantime, thousands of banks would close their doors permanently, and the depositors would lose their life savings as they did in 1933. I hear someone say the Federal Deposit Insurance Corporation would pay off all deposits up to $5,000. In that you are mistaken. The Federal Deposit would have to close its doors. A great majority of the people think that the Government insures your deposits. This is not a fact. The Federal Deposit Insurance Corporation is only a corporation in which the Government has some stock, and the Government does not guarantee deposits, and the Federal Deposit Insurance Corporation has only a certain amount of cash on hand, and when that is exhausted they will have to close their doors like any other banks.

I am now going to make some personal observations. Insert quotations, interviews, and statistics for the information of those who are interested in the reform of our monetary and banking system.

Aristotle, universally proclaimed the greatest philosopher of all times, who lived nearly 2,000 years ago, said:

> If the shuttle could weave of itself and the lyre play without hands, there would be no need of servants and slaves.

Half prophecy, half imagination, Aristotle looked down the ages and mused with the closing years of the nineteenth century. He seemed to fancy that with improved machinery, social comforts would multiply among the poor and the burdens of labor would cease. But alas! the dream of Aristotle has not been realized. The shuttle weaves of itself and the lyre plays without hands, but the machine through the greed of monopoly and the despotism of capital are the masters of the poor and slavery continues. Through the exigency of war, chattel slavery in this country gave way before the onward march of advancing civilization, but in the gloom of despair that overshadowed the South and the jubilee of victory that dazzled the North, the international bankers found the citadel of liberty unguarded and thrust its venomous fangs into the very vitals of our monetary superstructure and by trickery and deception foisted on the American people a monetary and banking system, thereby fastening the shackles of slavery more revolting than chattelhood in its haughtiest days—a slavery that now chains the whites and blacks on farms, in factories, and mines—which has resulted in making millions of prosperous farmers tenants on land they once owned—and 10,000,000, more or less, able-bodied laboring men tramps—looking for work they cannot get, and untold millions in hunger, rags, wretchedness for no fault of their own.

What is wrong? In God's name, what is right? Here we have the most fertile land upon the globe, the best supplied

with all things necessary to a prosperous people. Our resources are not half developed; our working people are the most intelligent, energetic, and capable upon which the sun ever shone. Man for man the world never contained their equal. Their productive capability is the marvel even of this age of industrial miracles. And yet, with every nerve strained to its utmost tension; toiling, saving—at very death grips with destiny—they are sinking year by year deeper into the slough of despond—into that most frightful of all gehennas, the hell of want.

"God help the rich! the poor can beg," appears to be the motto of the international bankers to whom an inscrutable Providence has given control of this Government; and perhaps the saying is not so foolish as one might at first imagine, for history has a bad habit of repeating itself, and the day may not be distant when the rich will have more occasion for pity than the poor. There are many and unmistakable signs that we are rapidly nearing the patience limit of the common people when they will decline to be longer hoodooed and humbugged by fake panaceas for poverty cooked up by money changers; and what then? Well, strange things have happened when the toiling millions became maddened by misery and frantic with hope deferred. Conditions in France during the closing years of last century were not materially different from those existing in America today; it was a greedy and impudent aristocracy versus a patient and long-suffering people; and when the latter could endure their privations no longer the former went to the wall and there was little left of them but hide and hair. Deprived of property and imprisoned, guillotined, and trampled beneath the iron-shod feet of the people they had learned to despise, one would imagine, after this terrible rebuke, written in fire and blood, the money changers would never again tempt the murderous wrath of the "many-headed monster," but the curse of greed, the lust for gain, the thirst for power blinds men to danger and drives them on to their doom.

Hold yourself down a moment, my ultraconservative friend, until I can work the idea into you that I am not an "anarchist," or any of those dreaded things that flit like monstrous nightmares through the stertorous dreams of multimillionaires, and terrify the waking hours of those who humbly serve in the house of Dives and board themselves. Let us understand each other. Now, what are you that see only the rose pictures painted there by the money changers? In ninety-nine cases out of a hundred you are a pitiful hanger-on, echoing parrotlike ideas of the plutocrat, and condemning the honest workingman who cannot conceal his poverty. It is by the aid of such as you that the money changers retain their power to despoil the people. It makes of you a cat's-paw to rake the chestnuts out of the coals and despises you as a matter of course. I am not inciting a revolution or fostering the spirit of unrest. I am simply calling the attention of Dives to the law of cause and effect that he may stand from under the avalanche. I am not posing as a philanthropist who has nothing to do but weep for the world's woes, but I dislike to see men taking a siesta on the muzzle of a loaded volcano which may get into action any moment. I have no desire to see an upheaval of the fires of hell. For these reasons, if for no other, I am anxious to see the condition of the working people so improved that they will be contented and prosperous. But just so sure as death and taxes there is trouble ahead for Dives if Lazarus be left much longer to care of the dogs.

Excerpt from the inaugural speech made by President Roosevelt March 4, 1933:

This is preeminently the time to speak the truth, the whole truth, frankly and boldly. * * * This great Nation will endure as it has endured, will revive and will prosper. * * *

* * * Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply. Primarily this is because the rulers of the exchange of mankind's goods have failed, through their own stubbornness and their own incompetence, have admitted their failure, and abdicated. Practices of the unscrupulous money changers stand indicted in the court of the public opinion, rejected by the hearts and minds of men.

* * * Stripped of the lure of profit by which to induce our people to follow their false leadership, they have resorted to exhortations, pleading tearfully for restored confidence. They know only the rules of a generation of self-seekers. They have no vision, and when there is no vision the people perish.

The money changers have fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths. The measure of the restoration lies in the extent to which we apply social values more noble than mere monetary profit.

Happiness lies not in the mere possession of money; it lies in the joy of achievement, in the thrill of creative effort. * * * These dark days will be worth all they cost us if they teach us that our true destiny is not to be ministered unto but to minister to ourselves and to our fellow men.

* * * and there must be an end to a conduct in banking and in business which too often has given to a sacred trust the likeness of callous and selfish wrongdoing. * * *

Restoration calls, however, not for changes in ethics alone. This Nation asks for action, and action now.

Ricardo says:

That commodities rise or fall in proportion to the increase or diminution of money, I assume as a fact that is incontrovertible.

John Locke, one of England's greatest thinkers and economists, says:

The lessening of the quantity of money makes an equal quantity of it exchange for a greater quantity of any other commodity.

John Stuart Mill tells us:

That an increase of the quantity of money raises prices and a diminution lowers them, is the most elementary proposition in the theory of currency, and without it we should have no key to any of the others.

Old Adam Smith (they have called him the father of political economy) said, in substance, this:

Money measures things and things measure money. Each measure the other by and according to its own abundance, by comparison. If you double the volume of money in circulation, you double the price of everything. By doubling the price you divide the debt because it takes only half as much labor or the products of labor to pay the same debt. If you divide the amount of money in circulation, you divide the price of everything. By dividing the price of everything, you double your debts, for it will take twice as much labor or the products of labor to pay the same debt.

W. J. Bryan said:

The Federal Reserve bank that should have been the farmers' greatest protection has become his greatest foe. The deflation of the farmer was a crime deliberately committed, not out of enmity to the farmer but out of indifference to him. Inflation of prices had encouraged him to buy, and then deflation delivered him into the hands of the money lender. The Federal bank can be a blessing or a curse according to its management. If the Wall Street speculators are in control of it they can drain the agricultural districts and keep up a fictitious prosperity among the members of the plunderbund.

While the Federal Reserve bank law is the greatest economic reform achieved in the last half century, if not in our national history, it would be better to repeal it, go back to old conditions and take our chances with individual financiers, than to turn the Federal Reserve bank over to Wall Street and allow its tremendous power to be used for the carrying out of the plans of the Money Trust.

Abraham Lincoln said:

If a government contracted a debt with a certain amount of money in circulation and then contracted the money volume before the debt was paid, it is the most heinous crime a government could commit against the people.

Thomas Jefferson said:

I believe that banking institutions are more dangerous to our liberties than standing armies. Already they have raised up a monetary aristocracy that has set the Government at defiance. The issuing power should be taken from the banks and restored to the Government and the people, to whom it rightfully belongs.

Excerpt from a letter written by Abraham Lincoln to his friend William P. Elkin, November 21, 1864:

I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of war, corporations have been enthroned, and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all the wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war. God grant that my suspicions may prove groundless.

True and prophetic warning by the immortal Lincoln. He foresaw "the enslavement of the country to corporations"

(National Bank System), "the corruption in high places" (from carpetbag days in the South to the Teapot Dome scandal in the West), "the concentration of wealth in the hands of a few." (Today 5 percent of the people own or control 95 percent of the wealth. This means that 6,500,000—5 percent of 130,000,000 people, total population—control 95 percent of the wealth of the Nation.) Do you doubt it? Well might he, a patriot, "tremble for the safety of his country"—but the people, what are they doing? They are camping on a volcano, refusing to be warned. It is a pity they should be so unmindful of the eruption soon to follow.

Hon. Joseph G. Cannon:

This legislation was had in the Forty-second Congress, February 12, 1873, by a bill to regulate the mints of the United States, and practically abolished silver as money, by failing to provide for the coinage of the silver dollar. It was not discussed, as shown by the RECORD, and neither Members of Congress nor the people understood the scope of the legislation.

Hon. William D. Kelley ("Pig Iron" Kelley), of Pennsylvania, who introduced the bill:

All I can say is that the Committee on Coinage, Weights, and Measures, who reported the original bill, were faithful and able, and scanned its provisions closely; that as their organ I reported it; that it contained provision for both the standard silver dollar and the trade dollar. Never having heard until a long time after its enactment into law of the substitution in the Senate of the section which dropped the standard dollar, I profess to know nothing of its history; but I am prepared to say that in all the legislation of this country there is no mystery equal to the demonetization of the standard silver dollar of the United States. I have never found a man who could tell just how it came about or why.

Senator William Boyd Allison, of Iowa:

But when the secret history of this bill of 1873 comes to be told, it will disclose the fact that the House of Representatives intended to coin both gold and silver, and intended to place both metals upon the French relation instead of on our own, which was the true scientific position with reference to this subject in 1873, but that the bill afterward was doctored, if I may use that term, and I use it in no offensive sense, of course.

In 1890 President McKinley declared on the floor of the House:

I would give it (silver) equal credit and honor with gold; I would make no discrimination; I would utilize both metals as money and discredit neither; I want the double standard.

When Mr. Harrison wrote his letter of acceptance, September 3, 1888, he said:

The resolution of the convention in favor of bimetallism declares, I think, the true and necessary condition of a movement that has upon these lines my cordial adherence and support. I am thoroughly convinced that the free coinage of silver at such a ratio to gold as will maintain the equality in their commercial uses of the two coined dollars would conduce to the prosperity of all the great producing and commercial nations of the world.

Quotation from Mr. Garfield's inaugural address of March 4, 1881:

By the experience of commercial nations in all ages it has been found that gold and silver afford the only safe foundation for a monetary system.

Hon. Daniel Webster's opinion on the Nation's monetary system:

I am certainly of the opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard.

Hon. James G. Blaine, from the floor of the Senate, February 7, 1878:

I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in the end throughout the commercial world. The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money.

Hon. John G. Carlisle, of Kentucky, who was elected seven times as a Member of Congress from Kentucky, serving from 1877 to May 26, 1890, at which time he resigned to take his seat in the United States Senate; subsequently he resigned his seat in the Senate to become Secretary of the Treasury in President Cleveland's last administration. He was Speaker of the House in the Forty-eighth, Forty-ninth, and Fiftieth Congresses, and has lived in history. He is one of the greatest parliamentarians that ever presided over the House of Representatives.

Excerpt from speech made by Hon. John G. Carlisle:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money in the world. With an ample currency an industrious and frugal people will speedily rebuild their works of internal improvement and repair losses of property, but no amount of industry or economy on the part of the people can create money. When the Government creates it or authorizes it the citizen may acquire it, but he can do nothing more.

Our power of legislation over this subject will not be exhausted by the passage of this measure, and we ought not to halt for a single moment in our efforts to complete the work of relief inaugurated by it. The struggle now going on cannot cease, and ought not to cease, until all the industrial interests of the country are fully and finally emancipated from the heartless domination of syndicates, stock exchanges, and other great combinations of money grabbers in this country and in Europe. Let us, if we can do no better, pass bill after bill, embodying in each some one substantial provision for relief, and send them to the Executive for his approval. If he withholds his signature, and we are unable to secure the necessary vote, here or elsewhere, to enact them into laws notwithstanding his veto, let us as a last resort suspend the rules and put them into the general appropriation bills, with the distinct understanding that if the people can get no relief the Government can get no money.

Hon. James G. Blaine, of Maine, elected six times to the United States House of Representatives, and was Speaker of that body in the Forty-first, Forty-second, and Forty-third Congresses; was Republican candidate for President in 1884 and was defeated by Grover Cleveland; was appointed to the United States Senate to fill the vacancy of Senator Lot M. Morrill, and was subsequently elected to that body; was Secretary of State in the Cabinet of Presidents Garfield and Harrison. Senator Blaine was Speaker of the House of Representatives on February 12, 1873, the day silver was demonetized. He heard the debate and signed the bill in his official capacity. Subsequently he was elected to the Senate.

Mr. BLAINE. The discussion on the question of remonetizing silver, Mr. President, has been prolonged, able, and exhaustive. I may not expect to add much to its value, but I promise to add much to its length. I shall endeavor to consider facts rather than theories, to state conclusions rather than arguments.

First. I believe gold and silver coin to be the money of the Constitution, indeed, the money of the American people anterior to the Constitution, which that great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare that either metal should not be money. Congress has therefore, in my judgment, no power to demonetize silver any more than to demonetize gold; no power to demonetize either any more than to demonetize both. In this statement I am but repeating the weighty dictum of the first of constitutional lawyers. "I am certainly of opinion," said Mr. Webster, "that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard." Few persons can be found, I apprehend, who will maintain that Congress possessed the power to demonetize both gold and silver, or that Congress could be justified in prohibiting the coinage of both; and yet in logic and legal construction it would be difficult to show where and why the power of Congress over silver is greater than over gold—greater over either than over the two. If, therefore, silver has been demonetized, I am in favor of remonetizing it. If the coinage has been prohibited, I am in favor of ordering it to be resumed. If it has been restricted, I am in favor of having it enlarged.

The two metals have existed side by side in harmonious, honorable companionship as money, ever since intelligent trade was known among men. It is well-nigh 40 centuries since "Abraham weighed to Ephron the silver which he had named in the audience of the sons of Heth—400 shekels of silver current money with the

merchant." Since that time nations have risen and fallen, races have disappeared, dialects and languages have been forgotten, arts have been lost, treasures have perished, continents have been discovered, islands have been sunk in the sea, and through all these ages and through all these changes, silver and gold have reigned supreme, as the representatives of value, as the media of exchange. The dethronement of each has been attempted in turn and sometimes the dethronement of both; but always in vain. And here we are today, deliberating anew over the problem which comes down to us from Abraham's time—the weight of the silver that shall be current money with the merchant.

Those who advocate bimetallism—the use of both gold and silver as basic money—are branded by the subsidized press and college professors who are the paid emissaries of the international bankers, as fools, knaves, cranks, demagogues, repudiators, and so forth. Therefore, in order to disabuse your minds of the truthfulness of these vile names, I am going to make a retrospective tour of the platforms of the two major political parties so that you may see for yourselves exactly how they stood.

The Democratic plank in 1884, Cleveland and Hendricks candidates, was:

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

The Republican plank, Blaine and Logan candidates, was:

We have always recommended the best money known to the civilized world; and we urge that efforts should be made to unite all commercial nations in the establishment of an international standard, which shall fix for all the relative value of gold and silver coinage.

To show you how much respect Mr. Cleveland had for the Democratic platform plank, his first message to Congress asked for the repeal of the Bland-Allison bill, which was the only recognition that silver had.

In 1888 the Democratic platform, Cleveland and Thurman candidates: No financial plank.

The Republican plank, Harrison and Morton candidates, was:

The Republican Party is in favor of the use of both gold and silver as money and condemns the policy of the Democratic administration in its efforts to demonetize silver.

In 1892 the Democratic plank, Cleveland and Stevenson candidates, was:

We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with the possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver as the standard money of the country and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value. * * *

The Republican plank, Harrison and Reid candidates, was:

The American people, from tradition and interest, favor bimetallism, and the Republican Party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals. * * *

I want to again call your attention to the bimetallic plank—the use of both gold and silver as standard money—upon which Mr. Cleveland was elected. In his first message to Congress he called for the repeal of the Sherman Silver Purchase Act which was more liberal to silver than the Bland-Allison Act which was repealed and passed in its stead.

In 1896 the only difference in the financial plank on the silver question which was a paramount issue was that the Democratic platform, Bryan and Sewell candidates, declared for the free and unlimited coinage of silver at the ratio of 16 to 1, without the aid and consent of any other nation.

The Republican platform, McKinley and Hobart candidates, declared:

We are, therefore, opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote.

You will note that they were for the free coinage of silver provided we were permitted to do so by European countries or international agreement.

In 1900 the Democratic platform reaffirmed and endorsed the principles of the financial plank in the 1896 platform.

The Republican Party platform went body and soul to the money changers in the following language:

We renew our allegiance to the principle of the gold standard and declare our confidence in the wisdom of the legislation of the Fifty-sixth Congress, by which the parity of all our money and the stability of our currency upon a gold basis has been secured.

In 1873 we passed the bill demonetizing silver, and therefore when we began specie payment nothing was coin but gold, and it made all of our obligations payable in gold. Most of them were held by European bankers, and it doubled or quadrupled their purchasing power.

Let me give you a little homely illustration of what Congress did when it demonetized silver. Let us assume, for the purpose of this illustration, that corn and wheat are the only grain fit for food for mankind, that there were no substitutes in the world. There is just a certain type of land that produces corn only and the other type produces wheat only. All of this land has been developed to its highest state of cultivation, and every acre that can possibly grow those products has been discovered and used.

We find by statistics that we produce in the Western Hemisphere 84 percent of the wheat of the world and the Eastern Hemisphere produces 75 percent of the corn. The Western Hemisphere produces 84 percent of silver. The Eastern Hemisphere produces 75 percent of the gold of the world. We deliberately pass a law prohibiting mankind from eating bread made out of wheat. Let us say that wheat is silver and corn is gold. What is the result? Wheat goes down, just like silver went down. Corn in all countries on the gold-corn standard goes to the sky. We have got to send to them to get something to eat which by our law is only corn.

That is exactly what we did. We destroyed the purchasing power of silver, our own precious metal.

In 1929, the peak production of silver in the history of the world, we produced twice as much silver in the United States alone as all of Europe, Asia, and Africa combined. I got this from the report of the mint.

When those who believe in the quantity theory of money controlling the general level of prices in which 99 percent of the honest, conscientious economists agree, the money sharks counter with the statement that this is not a fact and they tried to prove it by the statement that during the 1921 depression that there was more money available for circulation than at any other time in the history of the country, which is a fact, but where was it? Locked up in the vaults of the bank and the people wanting to borrow it with good collateral, but were refused. They were in the same fix as a hungry, starving man would be if you put him in a meat house with a muzzle on him. He would simply starve to death with food in sight, but he could not get to it. April 1, 1920, there was approximately $5,000,000,000 available for circulation, the largest amount of money in circulation up to that time.

Horace Greeley:

We boast of having liberated 4,000,000 slaves. True, we have stricken the shackles from former bondsmen and brought all laborers to a common level, but not so much by elevating the former slaves as by practically reducing the whole working population to a state of serfdom. While boasting of our noble deeds we are careful to conceal the ugly fact that, by our iniquitous monetary system, we have nationalized a system of oppression more refined, but none the less cruel than the old system of chattel slavery.

To the Senate of the United States:

In reply to the resolution of the Senate of the 27th of February last, requesting the President to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States or in the Mississippi Valley, I transmit herewith the report, and accompanying papers, of the Director of the Mint, who was charged with the duty of making the inquiries called for by said resolution.

U. S. GRANT.

EXECUTIVE MANSION, *January 6, 1876.*

The above Executive order of the President is self-explanatory and is positive proof that neither the Senate nor the President knew of the demonetization of silver as this resolution was passed by the Senate 3 years after the demonetization

and at a time when we were off specie payment and before the Bland-Allison bill was passed which provided for the limited coinage of the silver dollar. Nine-tenths of the coinage of the mints was silver and, of course, there was no need of an additional mint. On the contrary one mint would suffice the entire country.

How many American people know that American gold was shipped to Europe in 1930, 1931, and 1932, when it was valued at $20.67 an ounce; then, when the New Deal revalued it up to $35 an ounce, it was brought back to the United States and sold at the higher price, netting the money changers hundreds of millions of dollars on the transaction through such a temporary transfer from abroad.

Daniel Webster, when asked how panics come, replied:

The people wonder why financial panics occur so frequently. I can tell them why. It is to the interest of the money changers that they should occur. It is one of the specious methods by which these despotic and utterly useless knaves rob the producing, manufacturing, and mercantile classes of their earnings. It is one of the chief plans by which this infamous ring is riveting the chains of slavery upon the limbs of labor. It is one of the chief means adopted to build up a money aristocracy that shall live in idle luxury and ape the pretentious airs of European nobility.

The circulating statement of United States money of May 31, 1939, shows that $6,967,395,463 was in circulation. Of that amount, $4,663,105,258 was Federal Reserve notes, Federal Reserve bank notes, and national-bank notes. This entire amount can be taken out of circulation at the behest of the Federal Reserve banks. There was also in circulation $2,004,127,597 composed of silver certificates, United States notes, and Tresaury notes, of which the Federal Reserve bank has no control. The balance in circulation was subsidiary coins. Mr. Eccles, the wizard of the Federal Reserve System, is on record expressing his desire that all currency should be Federal Reserve notes, which the Federal Reserve banks would have the power to retire at their will. This statement is evidenced by his answer to a question propounded by Mr. Trent, the attorney for the Silver Investigation Committee, on March 23, 1939. Mr. Eccles replied, "I would very much prefer that all the currency consist of Federal Reserve notes."

This would mean the retirement of all silver certificates, United States notes (Lincoln greenbacks), and Treasury notes, amounting to $2,004,127,597, giving absolute control of all currency in circulation to the Federal Reserve bank.

You have heard a great deal of talk about Lincoln greenbacks. Did you ever see one? Perhaps you have but did not recognize it. The next time you are fortunate enough to get a $5 bill with Lincoln's picture on it, on the upper edge of the bill will appear "United States Note." That is the greenback.

Congress authorized the President to issue at different times $450,000,000 of United States notes—greenbacks. The money sharks, time after time, attempted to have them all destroyed but were not successful. There has been $346,681,016 in circulation ever since the Civil War, performing the functions of money every day at no expense to the Government. Had we issued 5-percent bonds instead of the greenback, compounded semiannually, the interest on these bonds would have amounted to more than $12,406,000,000.

The President, by the Thomas amendment to the Federal Farm Loan Act of 1933, was authorized to issue $3,000,000,000 of United States notes—greenbacks. In the same bill he was also authorized to direct the Federal Reserve banks to issue $3,000,000,000 of Federal Reserve notes to pay and retire Government obligations. This would have the effect of adding three billion of additional money to our volume of money available for circulation.

We have today in this land of the free and home of the money changers, thousands of self-important economists and brain trusters who know as little of political economy as a parrot of the power of prayer. Men who could not tell a fundamental principle from their funny bone, an economic thesis from a hot tamale—who do not know whether Ricardo was an economist or a corn doctor—evolve from their empty ignorance new systems of "saving the country."

PRESIDENT ROOSEVELT'S PROMISES

During the first days of the new administration the President announced a policy of raising commodity prices. On May 6, 1933, over a Nation-wide radio hook-up, President Roosevelt said:

The administration has the definite objective of raising commodity prices to such an extent that those who have borrowed money will, on the average, be able to repay that money in the same kind of dollar which they borrowed.

Again on July 3, 1933, in a message to the London Economic Conference, the President said:

Let me be frank in saying that the United States seeks the kind of dollar which a generation hence will have the same purchasing and debt-paying power as the dollar value we hope to attain in the near future.

And on July 5, 1933, in a second message to the World Economic Conference in London, he said:

The revaluation of the dollar in terms of American commodities is an end from which the Government and the people of the United States cannot be diverted. We wish to make this perfectly clear: We are interested in American commodity prices.

On October 22, 1933, in a Nation-wide radio address, the President said:

It is the Government's policy to restore the price level first. When we have restored the price level we shall seek to establish and maintain a dollar which will not change its purchasing and debt-paying power during the succeeding generation. I said that in my message to the American delegation in London last July, and I say it now once more.

THOMAS EDISON

In an interview on this subject, published in a December 1923 issue of the New York Times, Thomas A. Edison, the great inventor, said:

Now, here is Ford proposing to finance Muscle Shoals by an issue of currency. Very well, let us suppose for a moment that Congress follows his proposal. Personally, I don't think Congress has imagination enough to do it, but let us suppose that it does. The required sum is authorized, say, $30,000,000. The bill are issued directly by the Government as all money ought to be. When the workmen are paid off they receive these United States bills. Except that perhaps the bills may have the engraving of a water dam instead of a railroad train and a ship, as some of the Federal Reserve notes have, they will be the same as any other currency put out by the Government; that is, they will be money. They will be based on the public wealth already in Muscle Shoals, and their circulation will increase that public wealth, not only the public money but the public wealth—real wealth.

When these bills have answered the purpose of building and completing Muscle Shoals, they will be retired by the earnings of the power dam. That is, the people of the United States will have all that they put into Muscle Shoals, and all that they can take out for centuries—the endless wealth-making water power of that great Tennessee River—with no tax and no increase of the national debt.

"But suppose Congress does not see this, what then?" Mr. Edison was asked.

Then Congress must fall back on the old way of doing business. It must authorize an issue of bonds. That is, it must go out to the money brokers and borrow enough of our own national currency to complete great national resources, and we must pay interest to the money brokers for the use of our own money.

That is to say, under the old way any time we wish to add to the national wealth we are compelled to add to the national debt.

Now, that is what Henry Ford wants to prevent. He thinks it is stupid, and so do I, that for the loan of $30,000,000 of their own money the people of the United States should be compelled to pay $66,000,000—that is what it amounts to, with interest. People who will not turn a shovelful of dirt, nor contribute a pound of material, will collect more money from the United States than will the people who supply the material and do the work. That is the terrible thing about interest. In all our great bond issues the interest is always greater than the principal. All of our great public works cost more than twice the actual cost on that account. Under the present system of doing business we simply add 120 percent to 150 percent to the States' cost.

Salmon P. Chase, Secretary of the Treasury under Lincoln:

My agency in procuring the passage of the National Bank Act was the greatest financial mistake of my life. It has built up a monopoly that affects every interest in the country. It should be repealed. But before this can be accomplished the people will be arrayed on one side and the banks on another, in a contest such as we have never seen before in this country.

These money changers are the scribes and pharisees of the present day so well described in Matthew 23.

The concentration of wealth is greater in our country, in such a short time, than in any other country of history.

The demand for money is equivalent to the sum of the demand for all other things whatsoever, for it is through a demand first made upon money that all the wants of man are satisfied.

The amount of farm products are regulated by the laws of nature, the amount of money is regulated by man-made laws, the one under the control of man, the other God and nature.

Our money changers of today are carrying on in the same arrogant manner, and stand, as the slaveholder did, to lose all, for the people will not always submit to their exactions and their patience will become exhausted, then look out for the deluge which they will bring upon themselves. We would save him from this disaster, but will his greed permit?

Our whole banking system is the greatest piece of debt-creating machinery that the world has ever known.

Ten thousand eight hundred and sixteen failed in the United States from 1921 up to and including 1932. These banks were members of the Federal Reserve System as well as nonmember with an aggregate deposit of $4,885,126,000.

From 1929 until 1934 we experienced the greatest period of falling prices the world has ever known.

The law creating the Federal Reserve Banking System forcefully absorbed all of the 7,500 national banks of the country.

The dollar now used is no longer the unit of value but a unit of account.

Before we get out of our troubles and permanently stay out of them, the Government and not the Federal Reserve banks must issue its own money and, the most important of all, control the credit of the country; in other words, the Government must issue printing-press money instead of printing-press bonds.

What is the difference between a thousand-dollar bill issued by the Government and a thousand-dollar bond issued by the Government? The answer is, there is no difference as far as its security is concerned, but the big difference is that the bond draws interest and is nontaxable, while the money draws no interest and is taxable.

The late Hon. Charles A. Lindbergh, Sr., father of the aviator, of Minnesota, in his book The Economic Pinch, writing of the panic of 1920, says:

> Before the Federal Reserve Act became law the panics were not scientifically created. They were brought about in a bungling way, just forced by a combination of circumstances that the profiteers managed.
>
> Under the Federal Reserve Act panics are scientifically created. The present panic is the first scientifically created one, worked out as we figure a mathematical problem.

The United States Government lends $1,000 to a farmer for $45 a year.

The United States Government lends $1,000 to a home owner for $60 a year.

The United States Government lends $1,000 to a Federal Reserve bank for only 30 cents a year.

Why is not a farmer or home owner as good as a banker?

Now, my countrymen, we who believe in the quantity theory of money and advocate the liberal increase of the volume of real money to bring about prosperity are met with the argument "That is inflation," when there is not one man in a thousand who really knows what inflation is. You cannot inflate without deflating. The dollar, our unit of value, measures everything—property, labor, commodities, livestock—in fact, everything that is bought and sold. When the dollar is inflated, everything the dollar buys is deflated. To illustrate: If you can buy 20 pounds of cotton for a dollar, you have an inflated dollar and a deflated cotton. If you can buy 2 pounds of cotton for a dollar, you have an inflated cotton and a deflated dollar. We should have neither extreme. By controlling the volume of money we can fix the general level of prices with the same precision as the speed of an automobile is controlled—by increasing and decreasing the amount of gas fed to the engine.

The President evidently is a believer in the quantity theory of real money—basic money—gold, our unit of value, as evidenced by revaluing the gold ounce from $20.67 to $35 per ounce, which automatically reduced the content of the gold dollar from $23^{22}/_{100}$ grains to $13^{71}/_{100}$ grains. The President issued the order of revaluation on January 31, 1934. The Treasury report of that day showed that we had $4,035,000,000 of gold in the Government's possession. The next day, February 1, 1934, the report of the Treasury showed that we had $7,018,000,000. Our wealth expressed in gold dollars had increased $2,797,000,000 overnight. Subsequently additional gold that belonged to the Government on the 31st day of January 1934 was turned into the Treasury, increasing the Government's profits to a total of $2,811,000,000 by reason of revaluation. I want to call the attention to the worshipers of the golden calf, who always holler "fiat money" when you speak of the Government issuing its own money "greenbacks." The above statement of facts should convince them that all money is fiat money regardless of what kind of material the Government places its fiat money on.

Prices of outstanding stock sold on the New York Exchange

	1929	1932-33
General Motors	$91.00	$7.50
General Electric	100.00	8.50
General Railway Signal	126.00	6.00
Gillette Safety Razor	143.00	7.50
Anaconda Copper	174.00	3.00
Bethlehem Steel	140.00	7.00
American Telephone & Telegraph	310.00	70.00
Westinghouse Electric	292.00	15.00
United States Steel	261.00	21.00
Standard Oil of New Jersey	83.00	19.00

It is an anomaly of human nature that we cannot see far into the future and soon forget the past. The above table shows the prices in which gilt-edged stock was sold on the stock exchange in 1929 and the downward plunge they made in 1932 and 1933 and the smaller stocks quoted between $30 to $60 a share went down from 50 cents to $1 a share and millions of shares were sold daily and somebody bought them—not the man on the street but the insiders, the money changers, and who is responsible for this catastrophe—the Federal Reserve Bank System, and it operated on the small scale in the recession of 1938, when Mr. Eccles, "the wizard of finance," thought we were going to have a boom. He destroyed the upturn in prices in commodities that the President had spent billions of dollars to achieve.

Can we by law loosen the grip of the money changers on the throats of the American people. Of course we can if the American Congress will do it. I am going to give you my idea in the rough for such a law. The Government to take over the 12 Federal regional banks—lock, stock, and barrel—and provide that the President shall appoint the seven Governors for life at a salary of $15,000 a year, to be retired for incapacity or old age just on the plan of the law regarding Federal judges, but here is the most important part of the law. Any one or all of the Board may be retired from service by a simple resolution adopted by a majority elect of the Lower House of Congress, and when they are retired their salary ceases and the Lower House of Congress elects their successor without the advice and consent of the President or the Senate. You ask, why ignore the Senate? I am prompted to do so for the same reason the framers of our Constitution provided that when the joint session of Congress met after a national election and canvassed the returns of the result and no one candidate received the majority of all the electoral votes, the Constitution provides that the roll of States shall be immediately called and elect the President—each State regardless of its population has only one vote. Why did the framers of the Constitution make such a provision? For the good and sufficient reason that the Lower House of Congress is a voice of the people elected every 2 years. If we enact a law along the lines I have indicated, the Congress would coin money and regulate the value thereof, instead of the private banking corporations.

In conclusion, my countrymen, I want to say that there is burning in the hearts of our people and trembling on their lips is the question, Can the American Government endure? It is the question of the hour. I do not set up any hypothesis when I assert that the threat to the fundamentals of our form of government is so immediate and urgent as to involve an issue of vastly greater importance than any other with which we have had to deal in generations.

I recognize the fact that the people of America have the responsibility of substituting economic freedom and security for the system of premeditated exploitation and robbery which has made millions today homeless and unemployed. The American people must make an end of such wholesale exploitation, as well as of all other attempts to reduce our people to a state of peonage. To do this they must know the forces arrayed against them.

I have given facts concerning our Government, which have been carefully analyzed by thinkers who have well-founded convictions that the government of any country should exist only to promote the welfare of all the people.

I have attempted to set forth in simple language and by means of recorded facts, the actual causes of the want and destitution existing in the midst of plenty, the reasons for the accumulation of the national wealth in the hands of a few persons.

I trust that those who read will not content themselves with merely reading, but will acquire a knowledge of the salient facts, so that they may instruct and inspire others to organize and strike a decisive blow for national restoration. It is only upon a basis of facts that a solution of any problem can be found. [Applause.]

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short letter from the Mississippi River System Carriers Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

MODIFICATION OF W. P. A. ACT

Mr. VOORHIS of California. Mr. Speaker, the talk I want to make this afternoon is not one that is written out and prepared. It is simply in the nature of an appeal for the poorer people of this country.

THE UNEMPLOYED

There has been a good deal of talk lately about the W. P. A. and about the National Labor Relations Act and about the wages-hours law, and about other efforts that have been made by the Government trying to meet the immediate situation with regard to many of these people. Much of this talk has consisted of an effort to discredit all these agencies. We have pending before us a lending bill to attempt to bring about better economic conditions in the country and stimulate employment. The main thing I want to say is this: The duty of people who are charged with responsibility of government is not to follow where the pressure is greatest but to find where the need of the people of their nation is greatest and attempt to meet it as best they can. This is not always the most popular thing to do. It is not always popular to attempt to defend the rights of those groups of the people who are least able to speak for themselves, but evidently the duty of conscientious legislators must necessarily be to seek out those very groups within the population and attempt to do justice by them.

I am perfectly clear in my own mind that those people are substantially correct who have said that the Congress cannot act under compulsion from any group. It is hard for me to distinguish, however, between pressure exerted by W. P. A. strikers on the one hand and "well heeled" lobbyists for some special interest on the other. There does not somehow seem to be as much concern over the second kind of pressure or as much fear that Congress will yield to it as there ought to be. I agree. I do not think it can. But I do not believe that the Congress should pass legislation when it knows full well that the impact of this legislation is necessarily going to fall on groups of people who are tremendously hard pressed, or on groups of people who during a long period of years have clung tenaciously to a most tenuous thread of a meager W. P. A. wage standard of living, and who may fall beneath the weight of one more difficulty.

Yet that is just about what we have done. My principal appeal to the House this afternoon is not that it act under compulsion from any group but that it give consideration before it adjourns to changing the bill recently passed covering the W. P. A., so that future conditions among these people who are compelled to depend on that agency for a living need not be, at a time when Congress may not even be in session, so desperate as to cause further hardship than already exists throughout the country. I wonder how many Members know that not only will thousands be deprived of employment but that throughout the North and West the meager subsistence wages heretofore paid to W. P. A. workers are going to be cut.

I was greatly heartened today when the gentleman from Connecticut [Mr. MILLER], a member of a different political party from myself, rose on the floor and stated that he had offered a resolution to change the requirement now in the law that all people who have been on W. P. A. for 18 months or more must be summarily dismissed. It happens that I offered such a bill some days ago, although I have said nothing about it on the floor. My bill simply substitutes the language of the Senate bill and adds certain exemptions. It provides that in consideration of employment preference shall be given to people who have been certified for 3 months or more over those who have been employed for a year and a half or more, but that in no case shall a person who is 45 years of age and the head of a family, or who is a veteran be dismissed under those circumstances. That would be a workable plan, and it would not require summary dismissals. It would mean that if there are large numbers of people knocking at the gate that gradually they may have a chance when the time comes. I am convinced that we should do something about this matter as well as to prevent these wage cuts, which will work so much real hardship.

Next, we must adopt legislation giving opportunity for skilled workers to have jobs not on W. P. A. necessarily, but on a program where their wage scale can be maintained. We need to provide, either in this new lending program or elsewhere, for a program of P. W. A. employment or something similar.

I have thought for a long time that it is evident that the disparity between the incomes of different groups of workers on W. P. A. is probably too great and have tried to work out in my own mind an answer to that problem. Nobody, I think, believes 130 hours a month is too long for a man to work. But it is pretty tough to have hours lengthened and wages cut all at the same time, and a wage standard is the very heart of every labor movement. I believe it can be worked out, but I do not think it can be worked out merely by having Congress decide that we want it such and such a way, and that it is just too bad if it happens to fall on some particular group of people. I am not talking about yielding to pressure. I am talking about passing workable legislation in the first place and taking all factors into consideration.

THE LABOR RELATIONS ACT

Next, Mr. Speaker, mention has been made this afternoon of a proposed investigation of the National Labor Relations Board and the National Labor Relations Act. I shall oppose that investigation and for substantially the reasons given this afternoon by the gentleman from Colorado [Mr. MARTIN]. Here is a law—an attempt by Congress to protect the right of collective bargaining. Why is it under attack? Fundamentally, because it is a law intended to benefit a group to which in the past little attention has been paid by government. The Board has made mistakes, no doubt. So has everybody else. The act may not be perfect, but the Labor Committee

has certainly been working its head off to find out where and how it could be improved. I want to act on the findings of that committee, if at all. The matter of determining the bargaining unit has caused some difficulty. But an editorial in the conservative Washington Post of this morning would indicate that this problem is being worked out and that in future elections will be relied upon more largely than in the past.

This editorial concludes with the following paragraph:

These rulings may be set down, therefore, as an indication of the N. L. R. B.'s struggle to be fair, despite the inadequacies of the law and the dilemma resulting from the divided ranks of labor.

I am convinced that that is true. We must remember that over a period of time any agency of government has a difficult time, especially when it is administering new legislation, to find the answer to all the problems that confront it. I can see that no good purpose is going to be served by throwing this whole matter into another investigating committee, to try to drag out things that may be politically advantageous from the standpoint of somebody or other.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. LEAVY. If this resolution came with good faith, for the purpose of finding something constructive and affirmative, would it not provide that this committee should come from the House Labor Committee?

Mr. VOORHIS of California. Obviously it would, because the House Labor Committee has already conducted a very long period of hearings, and would be in a far better position to do the job and do it right than any other group of people would be. I would be glad to vote for a resolution of that kind myself, although I do not see that it is necessary, because I believe the Labor Committee by its proper prerogatives in the exercise of its work is doing that already.

THE HOMELESS MIGRANT

In conclusion, I want to say there is another group of people in this country, a group of people who are not going to conduct any strikes or make any protests. They are not in a position to do so. Does that mean they will continue to be neglected? It should not. These are people who, because of the economic conditions of the Nation, have perhaps been forced into more difficult circumstances than anybody else. It happens that this group of people is also mentioned in an editorial in the Washington Post this morning—the lead editorial—which I hope everyone will read. Those people I have reference to are what are known in California as "the migrants." What they are is uprooted, homeless families, wandering about the country from place to place in search of work.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. MURDOCK of Arizona. I want thus publicly to express my appreciation of the work done by the gentleman who now occupies the floor [Mr. VOORHIS of California] with regard to these various groups of poor people, particularly with regard to the this homeless group, driven out by drought from the Dust Bowl, seeking refuge in the far Southwest. They come into the gentleman's State of California by the thousands. Many of them are going through my State. They do not all get through my State. Thousands of them stop. The Farm Security Administration has done a great piece of work in providing transient camps. The gentleman knows more about this than I do and has done more about it than I have. I want to pay tribute to the work the gentleman has done in getting many of these camps established. And yet not enough has been done in the solution of this great national problem.

Mr. VOORHIS of California. I thank the gentleman.

Mr. MURDOCK of Arizona. If the gentleman will allow me just another word, may I sanction what the gentleman says in regard to the need of using more care with regard to throwing certain persons off the W. P. A. rolls after serving 18 months, even if there may be almost as many waiting to be put on? I think that is an unusually harsh proposition and I worked against the proposal when it was before the House. I would like to see it modified.

Mr. VOORHIS of California. I thank the gentleman. He, too, has always done his very best to protect the people of his State and other States who needed our help. It happens that with regard to this group of migratory people, they are people who, through economic circumstances, have been removed from the homes they once occupied and who are now seeking new homes. Most of them are farm families. All of them are of old American pioneer stock. The long-range solution for those people must be one whereby somehow they can go back onto the soil in some way. I believe that can be done. But it is a Federal problem, not just a California problem or any State problem. I have introduced legislation, the best I could devise, to provide that as the locality where these people now are must assume responsibility for somehow absorbing them over the long run, therefore the Federal Government, whose problem this really is, must recognize its responsibility and should pay the cost of necessary relief and assistance to those people until such time as they shall find a residence or local settlement. Further than this I believe a long-range resettlement program must be begun at once. There are possibilities of this in the new lending bill.

[Here the gavel fell.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. The upshot of my remarks, therefore, is this: We will object to "strikes against the Government," and things of that sort; and if that is going to be our attitude, then I tell you that more than ever there devolves the responsibility on this body to be sure that this body of its own volition, under its own responsibility, does justice to people who are not, by our own definition, in position to demand it of us.

We cannot break down their wage scales. We cannot break down and deny their right to earn a living. We cannot deny them an opportunity to find a home some place in America without the responsibility being on our shoulders. So, I say that while we are considering other problems of Government, while we are considering a long-range solution of this economic problem, which we must do, we must remember that that nation whose legislators adopt a policy which is right and just and Christian toward the poor people of that nation is going to be blessed, and that which fails to do so will not fare so well. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

EXTENSION OF REMARKS

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD today and to include therein a joint resolution of the Wisconsin Legislature memorializing the Federal Surplus Commodities Corporation to purchase dairy and cheese products of Wisconsin.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISTRICT OF COLUMBIA TAX BILL

Mr. NICHOLS. Mr. Speaker, I file a conference report on the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, for printing under the rule.

The SPEAKER. The gentleman from Tennessee [Mr. TAYLOR], under previous order of the House, is recognized for 20 minutes.

THE BATTLE OF FRANKLIN

Mr. TAYLOR of Tennessee. Mr. Speaker, I requested this time in order that I might be afforded an opportunity to call to the attention of the membership of the House and the country a bill which I introduced on April 24, last, being H. R. 5960, providing for the creation of a national historical

park in the area of the famous Franklin Battlefield. This memorable and crucial battle was fought on the 30th day of November 1864, a few months prior to the close of the War between the States. My father, the late James W. Taylor, was a participant in that sanguinary struggle, serving as quartermaster sergeant in Company C, Fourth Tennessee Cavalry.

While characteristic of those who fought in the bloody sixties, my father was always reluctant to discuss his war experiences; however, from criptic remarks from time to time, I became convinced that this engagement to him was a nightmare of sacrifice and carnage.

It will be recalled that it was predicted by some of the more overzealous of that era that the war would be of very brief duration; however, unfortunately it continued with increasing ferocity for 4 long, weary, and dreary years—from the assault on Charleston, April 12, 1861, to the surrender at Appomattox.

During the closing months of the war the political leaders of both the Union and the Confederacy became apprehensive of outside interference. It became known that the French were giving us no little concern in the South and Southwest, and the English were thought to be threatening us on our northern and eastern boundaries. The financial resources of both the North and South were in desperate condition. Both armies were haggard and worn, the soldiers were tired and exhausted.

The people, North and South alike, were discouraged and impatient for the war to end. Yet, Mr. Speaker, despite the grief, the sorrow and desperation of the mothers, daughters, and sweethearts at home, and notwithstanding the hunger, the exposure and the untold agony endured day after day, and night after night; yes, after weeks and months of anxiety and privation, the soldiers on both sides at the battle of Franklin rallied their residual energies to stage a martial magnificence the like of which the world has never beheld. No, it was not at Marathon or Thermopylae, it was not at Waterloo, nor was it at Gettysburg—it was at Franklin that the world witnessed the greatest demonstration of heroism and martial prowess that historians have ever recorded.

In comparison with other major engagements in war the contending armies at Franklin were relatively small, but no armies of whatever magnitude, in all history, have ever displayed in a single battle the determination and bravery and reckless abandon that was exhibited by the soldiers under Hood and Schofield at Franklin. Here we had contending forces of approximately 30 and 40 thousand. It is estimated that of these numbers only 16,000 Federal troops and 24,000 Confederates were actively engaged in the conflict. The Federal troops were fortified behind an almost impregnable wall while the Confederates charged their works in the open without a shadow of protection. The battle began about 4 o'clock in the afternoon, and by 9 o'clock at night almost 10,000 men were dead, wounded, or captured. As history records, no battle in the memory of man claimed as many fatalities among the high ranking officers as fell dead or mortally wounded on that tragic day.

When the firing ceased, it was ascertained that five generals were dead, seven mortally wounded and one captured. The dead were generals Cleburne, Adams, Gist, Strohl, and Granbury. The wounded were generals Brown, Carter, Manigault, Quarles, Cockerall, and Scott, all Confederates, and General Stanley, of the Union Army. General Gordon, a Confederate commander, was captured, but not until he had led his men over the enemy's lines.

Mr. Speaker, to fully understand the importance of this historical battle, and to know why it was so bitterly contested, one should follow its history step by step; also, bear in mind the many correlating circumstances.

It will be remembered that General Hood had just 3 or 4 months prior to the battle succeeded Gen. Joseph E. Johnston as commander of the Southern Army. Johnston and Sherman had skirmished in north Georgia and around Atlanta, each endeavoring to gain an advantage for several months. Johnston was a recognized strategist and a cautious commander. Grant was evading a final engagement with General Lee in Virginia, and Johnston had refused to risk a crucial battle with Sherman in Georgia. The public, therefore, were becoming more or less critical in both the Northern and Southern States. President Davis, of the Confederacy, was being appealed to by many Confederate sympathizers to remove Johnston and to drive Sherman out of the South. General Hood was known to be a dashing, forceful, and impatient commander, so President Davis removed Johnston and invested Hood with the command. General Hood had fought under Stonewall Jackson, the peerless soldier and aide to Lee. He had, therefore, had an opportunity to study the tactics which Jackson had employed so successfully on so many occasions. Every Confederate general was known to be eager to avenge Longstreet's failure to flank for Lee at Gettysburg, as Jackson had so ingeniously done in previous engagements.

General Hood had been credited with saying shortly after he was placed in command, "Now is my chance. I'll flank the Yankees out of Dixie or drive them into the Gulf."

At this juncture, however, many of Hood's most conservative staff officers and corps commanders appealed to him to first restore the morale of the soldiers. His men were tired and haggard and hungry. They needed food, rest, recuperation, and better clothing. Hood thought he saw an opportunity to rest and feed and clothe his army—enlist more fighting men under recently enacted conscription laws and make a raid on Cincinnati. This campaign, he thought, would cause Grant to rush west and order Sherman to march north to guard General Lee's army at Richmond—thinking thus to reward himself an abundance of supplies, give Lee's army a needed rest, and serve to fire the hope of the entire Confederacy, as well as to revitalize his own army.

To succeed in this undertaking, Hood had to meet General Thomas' army, which Sherman had left in Tennessee to guard his reserve supplies and communications. Hood planned to take Thomas by surprise, rout and capture his army, and march on into Kentucky and Ohio. Thomas had only three corps under his command. Hence, Hood's plans were not only possible, but exceedingly feasible. No one has ever doubted that; and had President Davis and General Beauregard fully cooperated, Hood might have made his dreams come true.

However, first Davis and then Beauregard hesitated to agree to the campaign. In the meantime fall rains set in. Hood was delayed collecting supplies, due to wet roads and poor railroad facilities.

Then, when ready to break camp and march north to attack the Union forces under General Thomas, Hood learned that Forrest, one of the greatest cavalrymen the world has yet produced, was in west Tennessee and would have to march to Florence, Ala., in order to cross the Tennessee River.

In the meantime and due to the delay for which General Hood was in no sense responsible, Thomas learned of Hood's presence near the State line and had sent General Schofield to Columbia to harass and check Hood's advance until reinforcements, which he had requested, could reach Nashville.

General Hood had dispatched scouts to ascertain the size of the Union Army under Thomas, and to learn where each corps and division were camped. Therefore, he knew that Schofield was at Columbia, and was aware of the approximate size of his command.

When Hood learned that General Forrest had reached Florence and was crossing the river, he gave orders to his entire command to move on to Columbia. Upon arrival at Columbia, Gen. Stephen D. Lee, who commanded one of the three corps that made up Hood's army, was to attack the enemy with such ferocity that the Union forces could not retreat, which would have permitted the other two corps under Generals Stewart and Cheatham sufficient time to flank the enemy and cut him off from the main body of his army.

To the credit of General Hood, it should be said that his strategy was good. His dream and life's ambition to emulate

his idol, Gen. Stonewall Jackson, and to prove to the world that he had learned well the lessons taught him by that master strategist, had all but come true.

Generals Stewart and Cheatham had executed their flanking movement successfully and the Union forces under Schofield were completely cut off from General Thomas and were at Hood's mercy. But here again fate intervened. For some unknown reason, though apparently later excused, General Cheatham, who had orders to block Schofield's retreat at Spring Hill, either failed to attack or failed to note the presence of the enemy during his stealthy midnight escape, and the Union forces made safe their retreat to Franklin.

Of the many discouraging and disheartening events since Hood took command, this incident, no doubt, meant the failure and defeat of the entire campaign; and not only did General Hood realize it, but his entire command seemed to sense the crisis.

Thus, Mr. Speaker, we have in a measure reviewed the prologue to the Battle of Franklin. And now before I enter into a further discussion of events leading up to the conflict itself, and in order that one might better realize the sacred significance of this battleground and the inspiration attached to its memory—together with the exploits of superb bravery, along with the pugnacity displayed, and the magnificence of the stirring pageant presented by the contending hosts—I want to especially call your attention to the fact that some forty-two of the regiments in the advancing army were Tennesseans, and that about one-half of the defending battle lines were filled with Tennesseans and Kentuckians. What a battle that must have been.

These men felt no little exhilaration at being again on their native soil. This feeling was intensified on the part of the Confederates by the fact that they had seen their foe fall back before them at Pulaski, Columbia, and Spring Hill. Now they saw their enemy with a river in their rear, and they were determined, if possible, to drive their opponents into the river. They knew well that, if they should do so, there was no army to keep them from the Ohio River. This thought also, no doubt, animated the men on the defensive that day. Moreover, there were in the ranks of the Confederate forces not a few who lived in Franklin, and it was a delight to again see their native town. They felt that sense of defense of home and State, therefore, a victory here would mean more to them than a victory anywhere else.

There were other things that inspired the Confederates to fight as they had never fought on any battlefield before. Cheatham's and Stewart's corps were friendly rivals, each claiming to be the superior in fighting prowess.

General Hood had lost an arm and a leg in previous battles, and for that reason he was not physically fit to endure prolonged forced marches. After he had successfully flanked Schofield's army and was in position to strike the decisive blow, and having every reason to believe that Cheatham would block the enemy's escape, he retired to rest. When morning came and he learned of Cheatham's failure to engage and block the enemy he became desperate. He immediately gave orders to follow the enemy with every possible dispatch.

Now, let us keep this picture in mind. Gen. Stephen D. Lee was at Columbia with two of his three divisions. Stewart and Cheatham each had three divisions. Stewart had eight brigades under his command, and one under General Ector, which he had left behind to guard the pontoons where the army had crossed the Duck River. Cheatham had 10 brigades in his corps, and General Johnston had four brigades in his division of Lee's corps which was to serve as a rear guard and as reserves. This was the army that followed the retreating Union Army to Franklin. Stewart's corps approached the enemy by way of the Lewisburg Road and Cheatham's corps with Johnston's division marched via the Columbia Pike.

The rear guard of General Schofield's army reached Franklin about noon, that was Opdycke's brigade of Wagner's division. The main body of the Union Army had reached Franklin about dawn, and immediately began to construct a defense line. General Wagner was ordered to take an advanced position with two brigades of Cox's corps under command of Generals Lane and Conrad, and to hold this position until forced to retreat should Hood's army attack.

Behind the main line of breastworks and between the river and the Columbia Pike General Reilly was placed in command of Cox' corps. General Stiles' brigade was stationed between the river and the Lewisburg Road, while General Casement's brigade was on the right of the Lewisburg Road, and joining his right and running on around to the Columbia Pike Reilly placed his own brigade. Between the Columbia Pike and Carters Road General Cox placed Ruger's division of three brigades, as follows: General Strickland's brigade was stationed on the right of Columbia Pike, General Moore's brigade was placed on the left of Carters Road, while General Cooper's brigade was held in reserve.

The other corps, under command of General Stanley, was behind the line that extended from Carters Road back to the river on the right—consisting of Kimball's division, with three brigades under Generals Grose, Kirby, and Whittaker, and General Wood's division of three brigades, under Generals Beatty, Streight, and Post—which was held in reserve, as was General Opdycke's brigade, of Wagner's division, which, as stated, did not reach Franklin until about noon. These forces, together with the cavalry unit under General Wilson, was used to prevent General Forrest and General Buford's cavalry from flanking on the east and General Chalmer's cavalry from flanking on the west.

At this stage of the impending battle the Confederate troops were deployed in an open plain below Winstead's Hill, in the southern outskirts of the town of Franklin. Each command was in plain view of the other and could observe the maneuvers of the others. The commanding officers had been stung by the rebuke of Hood in the early morning when he learned of Schofield's escape, and each general was determined that there should be no excuse for censure that day. The colonel of each regiment, the captain of every company, and each and every tired and worn man in the ranks felt the same keen disappointment when they realized what had happened that night. Both officers and privates were more determined than ever to crush Schofield's army before Thomas could come to his rescue.

Now, when the boys in gray reached the crest of Winstead's Hill, they caught sight of the Union Army in the lowlands ahead and instantly the rebel yell went up all along the advancing ranks. The bands began playing, flags were unfurled, and the columns began to deploy in battle array. Staff officers ran here and there carrying orders to each brigade. The colonels, majors, and captains worked in and out of the ranks exhorting and encouraging their men to do or die. Orderlies scuttled to the rear, and as they did so each and every man buckled his belt and brought his cartridge box in play. Guns were loaded, then came the commands to "forward into line," "close ranks," "shoulder arms!" Ahead was an open plain so extensive that the earth seemed to slope evenly in all directions toward the enemy's line. The late afternoon shadows had begun to creep over the Winstead Hill. Slowly the sun was sinking in the west. The autumn air was crisp. Cowbells were tinkling on the adjacent plantations as the milking herds assembled at the stiles for the night. The day would soon come to a close. Small rings of white smoke could be seen lazily floating behind the enemy's line. The boys in blue were preparing their evening meal. Little did they expect what was about to happen; for they had received orders to prepare an early supper and retire for the night, as they were to break camp at dawn and make good their escape to Nashville where General Thomas' army was awaiting with reinforcement. Some stood on their ramparts watching the awe-inspiring forward march of the men in gray as though they were on dress parade—thinking that they would soon come to a halt and pitch camp for the night. No one could imagine that an army would march 30 miles from dawn to 4 and make an attack without food or rest.

But on and on the enemy came in quick step, trailing arms and not firing a shot, when suddenly their color bearers came marching to the front. Immediately the drums began to roll; the bands struck up their favorite battle hymns. The boys in gray looked to the right and to the left, and observed that their generals were not retiring to some vantage point in the rear but were still riding in front and between the lines. The order to fix bayonets was passed along the entire front. No sooner had this command been executed than they heard the order thunder as in unison, "Double time! Charge your enemy!" And they were off with a mighty yell to assault the enemy's line.

Three divisions of Stewart's corps came charging down the Lewisburg Road. Loring's three brigades, under Generals Featherstone, Adams, and Scott on the right, Walthall's division with three brigades under Generals Quarles, Reynolds, and Shelley in the center, and French's division with two brigades under the command of Generals Cockerell and Sears, attacked the Union line on the left along the Columbia Pike.

The three divisions of Cheatham's corps struck the enemy astride the Columbia Pike and all the way around to the river on the left. Cleburne's division of three brigades was momentarily held up by Wagner's advanced brigades, as was Walthall's and French's divisions; and when they reached the main defense lines, Cleburne's brigades, under Generals Polk, Govan, and Granbury, were on the right and astride the Columbia Pike, thus overlapping French's two brigades. Brown's division went forward in two lines. In the first line were General Gordon's brigade bearing on the Columbia Pike, with Gists' on Gordon's left. In the second line, Strahl's brigade was in support of Gordon's and Carter's in support of Gists'. Bates' division of three brigades, under command of Generals Smith, Jackson, and Finley, together with some of Cholmar's cavalry units, charged on the extreme left and faced Stanley's corps of two divisions under Generals Kimball and Wood, each composed of three brigades.

When Lane's and Conrad's men who were in rifle pits about 400 paces in advance of the main line realized that the Confederates were not on dress parade but were attacking in full force, they became panicky. Some threw down their guns and surrendered, others ran for openings in the main line defenses, after firing only a few volleys.

The rebels were quick to take the advantage. The shout was raised "Go into the works with them." This cry was taken up and vociferated from a thousand throats as they rushed on after the confused and retiring forces.

The Union Army was compelled to hold their fire. But finally, when they realized the gravity of the situation, they opened fire, and with such a hailstorm of shot, shell, cannister, and musketry that the entire atmosphere was hideous with the shrieks of the messengers of death. Then came the booming of cannon and the bursting bombs. The whizzing shells came wreathing the air in great circles of smoke from the Union batteries over the river and on the hills back of the town. All of this, with the shouting of throats and the screams of the dying in their struggle for victory made a scene of both surpassing terror and awful grandeur.

Terribly torn at every step by an oblique fire from the Union batteries advantageously posted on the right and left, no less than by the destructive fire in front, the boys in gray moved on and did not falter until they reached the abattis fronting the works. Over this obstruction no organized force could go, and here, the main line of the attacking forces, both front line and reserve, was repulsed in confusion. However, over this obstacle, impossible for a solid line, many officers and men made their way. Numbers of every brigade are known to have gained the ditch and there continued the struggle, and some successfully held their ground. It is said that at least 11 consecutive assaults were made on the Union works, until finally the dust and smoke of battle made it impossible to distinguish between friend and foe.

Thus was the struggle brought to a close, with the dead and dying piled three and four deep. It is said that within 100 paces of the ramparts there was not a foot of ground that was not covered with the dead and dying. In some brigades on the Confederate side the generals, colonels, and line officers were all killed, and in many cases a single surviving captain was left in command—so fierce and deadly was the slaughter of men that day.

And so, Mr. Speaker, ended, as many contend, the bloodiest and most heroic battle of the Civil War.

A little less than 5 months from that eventful day, the war was brought to a close by the surrender of General Lee to General Grant at Appomattox.

Naturally and inevitably, profound prejudices and bitter animosities were engendered by that unhappy conflict. Fratricidal wars have always been fraught with more intense and acrimonious feeling than wars involving different nationalities. This is also notably true of civil disagreements. So, with the signing of the article of peace, came an avalanche of persecution and reprisal in which both sides participated to a greater or less degree.

Scars were inflicted which required many succeeding years to erase. But time has ever been a great healer. And through the intervening years, time, with her stealing tread, has gradually but surely "plucked from memory that deep-rooted sorrow, razed out the written troubles of the brain, and with some sweet, oblivious antidote" entirely cleansed the conflicting atmospheres so that today the Mason-Dixon line is but a memory, and Yankee-Doodle and Dixie have been blended into one national anthem, representative of an inseparable and impregnable Union.

The magnanimity of President McKinley, who had served as a major in the Union Army, had much to do in breaking down the feeling of sectionalism during the Spanish-American War. But it remained for the great World War to wholly eradicate its last vestige.

In the language of the beloved and immortal Bob Taylor:

> The grass now grows green where but a few years ago death sat on the pale horse beckoning the blue and the gray to the opening grave, and roses now bloom where heroes once bled. Blow, bugler, blow, but thy shrillest notes can never again call the matchless armies of Grant and Lee to the carnival of death!
>
> Let the silver trumpets sound a jubilee of peace. Let the sons of those who wore the blue and gray and their descendants join together in united acclaim of the Republic. Let them kiss the silken folds of its gorgeous ensign, fling it to the breezes, and sing the national hymn. Let them bow, and with uncovered heads salute Old Glory. It is the flag of the inseparable Union.

It is the glorious ensign of that Republic whose bounds are the oceans, whose cover are the stars, and under which burn the everlasting fires of freedom.

And now, in conclusion, pardon me, my friends, for again calling to your attention the bill introduced by me to create a national park of the sacred Franklin Battleground.

Such a park will be a fitting memorial to the intrepid men, both North and South, who gave here the "last full measure of their devotion."

Such a park will serve as a wholesome inspiration to the youths of today and to their posterity. It will stand as a signal testimonial of a grateful Government, proclaiming through the years that those who suffer and die for patriotic conviction shall not perish in vain.

Such a park, and the cemetery hard by, will also serve as a grim reminder that war is the greatest scourge of humanity and that no pains should be spared to avert a future repetition. The words of General Grant at Appomattox, "Let us have peace," should be instilled into the heart of every American. Let us have peace at home, and by all means let us scrupulously refrain from any commitment or entangling alliance which might lead us into another conflict on foreign soil. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MAGNUSON, indefinitely, on account of official business.

To Mr. PATMAN (at the request of Mr. RAYBURN), indefinitely, on account of illness in family.

REQUEST OF SENATE

The SPEAKER. The Chair lays before the House the following request from the Senate of the United States.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
July 14, 1939.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2662) entitled "An act authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

ADMINISTRATION OF UNITED STATES COURTS

The SPEAKER. Without objection, the bill (H. R. 5999) to provide for the administration of the United States courts, and for other purposes, will be laid on the table, a similar Senate bill (S. 188) having been passed under suspension today.

There was no objection.

EXTENSION OF REMARKS

Mr. BYRON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by me at the dedication of the Shafer Memorial Park at Boonsboro, Md., and also a speech made by Hon. John Hershberger, the mayor of that city.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5748. An act to amend the Second Liberty Bond Act, as amended; and

H. J. Res. 329. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1796. An act to amend the Tennessee Valley Authority Act of 1933.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Saturday, July 15, 1939, present to the President, for his approval, a bill of the House of the following title:

H. R. 5610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes.

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 18, 1939, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

The Foreign Affairs Committee will start hearings on Tuesday, July 18, 1939, at 10 a. m., on proposed legislation dealing with treaty violations, with special reference to the Orient: H. R. 4232 (Mr. VOORHIS of California), H. R. 5432 (Mr. COFFEE of Washington), H. R. 6837 (Mr. EATON of New Jersey), H. R. 7159 (Mr. IZAC), House Joint Resolution 42 (Mr. CRAWFORD), House Joint Resolution 113 (Mr. FISH), House Joint Resolution 254 (Mr. FISH), House Joint Resolution 318 (Mr. WALLGREN).

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

On Tuesday, July 18, 1939, at 10 a. m., hearings will be held on H. R. 7090, to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481), and H. R. 7091, to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, 464).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 19, 1939, at 10:30 a. m., for the consideration of H. R. 6443 and H. R. 7066. Public hearing.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Wednesday, July 19, 1939, at 10:30 a. m., in room 328, House Office Building, for the consideration of H. R. 6668.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, July 19, 1939, at 10:30 a. m., for the consideration of H. R. 953, H. R. 6054, H. R. 6859, House Joint Resolution 288, and House Joint Resolution 289.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, July 20, 1939. Business to be considered: Hearing on H. R. 5472.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1003. A letter from the Acting Secretary of the Department of Agriculture, transmitting the draft of a proposed amendment to the act of December 28, 1922, known as the Small Claims Act; to the Committee on Claims.

1004. A letter from the chairman, Temporary National Economic Committee, transmitting a preliminary report concerning the work of the Temporary National Economic Committee; to the Committee on the Judiciary.

1005. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Works Agency amounting to $445,000 (H. Doc. No. 422); to the Committee on Appropriations and ordered to be printed.

1006. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Civil Aeronautics Authority for the fiscal year 1940, amounting to $300,000 (H. Doc. No. 423); to the Committee on Appropriations and ordered to be printed.

1007. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation of the Works Progress Administration of the Federal Works Agency (H. Doc. No. 424); to the Committee on Appropriations and ordered to be printed.

1008. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration, on reexamination of Passaic River, N. J., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted December 9, 1938 (H. Doc. No. 430); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1009. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration, on reexamination of Pocomoke River, Md., with a view to determining if the improvement of the channel above the bridge at Snow Hill

is advisable at this time, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted October 21, 1938 (H. Doc. No. 429); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1010. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration, on reexamination of Louisiana and Texas Intercoastal Waterway with view to determining advisability of providing a suitable connecting channel between this waterway and Barroom Bay, Tex., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 24, 1939 (H. Doc. No. 428); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

1011. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Ouachita River near Calion, Ark., authorized by the Flood Control Act approved June 28, 1938 (H. Doc. No. 427); to the Committee on Flood Control and ordered to be printed, with an illustration.

1012. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 5, 1939, submitting a report, together with accompanying papers and an illustration, on reexamination of Cohasset Harbor, Mass., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 11, 1938 (H. Doc. No. 425); to the Committee on Rivers and Harbors, and ordered to be printed, with an illustration.

1013. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Cherry Creek and its tributaries, Colorado, authorized by the Flood Control Act approved August 28, 1937 (H. Doc. No. 426); to the Committee on Flood Control, and ordered to be printed, with an illustration.

1014. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Department of the Interior for the fiscal year 1940 (H. Doc. No. 421); to the Committee on Appropriations and ordered to be printed.

1015. A letter from the Attorney General, transmitting the draft of a proposed bill to extend the terms of judges of the district courts in Alaska, Hawaii, and the Virgin Islands to 8 years; to the Committee on the Judiciary.

1016. A letter from the Secretary of Agriculture, transmitting a report of the Secretary of Agriculture on pending railroad legislation; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CELLER: Committee on the Judiciary. S. 190. An act to authorize the temporary appointment of a special judge for the District Court of the Virgin Islands; without amendment (Rept. No. 1195). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. S. 185. An act to amend section 224 of the Criminal Code so as to penalize the making of false claims for the loss of insured mail matter; without amendment (Rept. No. 1196). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 7015. A bill to reenact section 259 of the Judicial Code, relating to the traveling and subsistence expenses of circuit and district judges; without amendment (Rept. No. 1197). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 7233. A bill to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes; without amendment (Rept. No. 1198). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. S. 1874. An act to amend the Criminal Code in regard to obtaining money by false pretenses on the high seas; without amendment (Rept. No. 1199). Referred to the House Calendar.

Mr. KING: Committee on the Territories. H. R. 6943. A bill to ratify and confirm act 58 of the Session Laws of Hawaii, 1939, extending the time within which revenue bonds may be issued and delivered under act 174 of the Session Laws of Hawaii, 1935; without amendment (Rept. No. 1200). Referred to the House Calendar.

Mr. FADDIS: Committee on Military Affairs. S. 28. An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.; without amendment (Rept. No. 1204). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Connecticut: Committee on Military Affairs. H. R. 3840. A bill to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; without amendment (Rept. No. 1205). Referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLS: Committee of conference. H. R. 6577. A bill to provide revenue for the District of Columbia, and for other purposes (Rept. No. 1206). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 3005. A bill granting an increase of pension to Mrs. Thomas H. Jackson; without amendment (Rept. No. 1201). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 4122. A bill granting an increase of pension to Minnie Wetmore Cole; without amendment (Rept. No. 1202). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 6092. A bill granting an increase of pension to Isabelle Johnston; without amendment (Rept. No. 1203). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6868) granting an increase of pension to Mary Hurry; and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DISNEY:

H. R. 7250. A bill to authorize the coinage of 50-cent pieces in commemoration of Will Rogers; to the Committee on Coinage, Weights, and Measures.

H. R. 7251. A bill to amend certain provisions of the Internal Revenue Code relating to manufacturers' and producers' taxes on gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. DEROUEN:

H. R. 7252. A bill to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska; to the Committee on the Public Lands.

By Mr. MILLER:

H. R. 7253. A bill amending section 16, subsection (b) of the Emergency Relief Appropriation Act of 1939 to provide for removal from Work Projects Administration relief rolls and only in the event of other persons being available for replacement; to the Committee on Appropriations.

By Mr. ROBINSON of Utah:

H. R. 7254. A bill authorizing the temporary detail of J. L. Savage, an employee of the United States, to service under the Government of the State of New South Wales, Australia; to the Committee on Military Affairs.

By Mr. CALDWELL:

H. R. 7255. A bill to incorporate The National Institute of Metals; to the Committee on the Judiciary.

By Mr. BARRY:

H. R. 7256. A bill to provide for the local delivery rate on certain first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BURCH:

H. R. 7257. A bill to permit the expenditure of public money for the erection of post-office buildings on sites or land acquired by the United States in the Commonwealth of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Pennsylvania:

H. J. Res. 363. Joint resolution to prohibit the export of arms, ammunition, implements of war, and other articles to foreign states under certain circumstances; to the Committee on Foreign Affairs.

By Mr. FISH:

H. J. Res. 364. Joint resolution requesting the President to invite the Interparliamentary Union to hold its annual conference in New York in 1940, and authorizing the appropriation to defray the expenses of the conference; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Joint Resolution No. 117 A, concerning foreclosures; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HARNESS:

H. R. 7258. A bill granting a pension to Ula M. Hoover; to the Committee on Pensions.

H. R. 7259. A bill granting an increase of pension to Nellie B. King; to the Committee on Invalid Pensions.

By Mr. LEA:

H. R. 7260. A bill for the relief of Robert Berkeley Finn; to the Committee on Claims.

By Mr. TOLAN:

H. R. 7261. A bill for the relief of Jaroslav Paul; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4692. By Mr. ANGELL: Petition presented by F. G. A. Kalbus, of Portland, Oreg., and signed by sundry citizens of the Pacific Northwest country, urging an embargo on shipment of war materials to Japan; to the Committee on Interstate and Foreign Commerce.

4693. By Mr. COFFEE of Washington: Resolution of the city of Olympia, capital of the State of Washington, O. U. Tatro, clerk-treasurer, pointing out that Olympia has been carrying an average bank balance of approximately $200,000, and it feels it is entitled to some earnings, however small, on that balance; that the paying of interest to the city of Olympia is prohibited by the Federal Banking Act of 1935 because the banks in which the city's funds are deposited are both members of the Federal Reserve; and therefore urging the support of the Congress of House bill 6744; to the Committee on Banking and Currency.

4694. By Mr. DISNEY: Petition of the Oklahoma Stripper Well Association, of Tulsa, Okla., concerning Senate bill 2181; to the Committee on the Judiciary.

4695. By Mr. MICHAEL J. KENNEDY: Petition of the National Consumers League, opposing amendment of the National Labor Relations Act during the present session of the Congress; to the Committee on Labor.

4696. Also, petition of the Tri-State Authority and Citizens Flood Committee, of Pittsburgh, Pa., pertaining to the proposed flood-control program for that State; to the Committee on Flood Control.

4697. Also, petition of the Maritime Association of the Port of New York, favoring passage of House Joint Resolutions 344 and 347, which would permit the continued operating of the American whaling industry; to the Committee on Ways and Means.

4698. Also, petition of the United American Artists of Chicago, favoring enactment of pending legislation which would restore the Arts Projects to the Work Projects Administration relief bill; to the Committee on Appropriations.

4699. Also, petition of the Nonsectarian Anti-Nazi League, favoring enactment of House bill 3286, which would eliminate or reduce to a minimum the unfair competition which German corporations have been giving to American industrial enterprises; to the Committee on Ways and Means.

4700. Also, petition of the Department of Borough Works, city of New York, opposing enactment of legislation creating an easement for the construction of the Brooklyn-Battery Toll Bridge, House bill 6880; to the Committee on Interstate and Foreign Commerce.

4701. Also, petition of the New York District Council of Carpenters, urging legislation which would restore the prevailing wage scale in the Work Projects Administration relief bill; to the Committee on Appropriations.

4702. Also, petition of the Atlantic States Shippers Advisory Board, New York City, pertaining to the omnibus transportation bill; to the Committee on Interstate and Foreign Commerce.

4703. Also, petition of the New York Typographical Union, No. 6, protesting against the security-wage system as voted in the 1940 relief appropriation bill; to the Committee on Appropriations.

4704. By Mr. KEOGH: Petition of the Maritime Association of the Port of New York, concerning the passage of House Joint Resolutions 344 and 347, for the continued operation of the American whaling industry; to the Committee on Ways and Means.

4705. Also, petition of the New York Typographical Union, No. 6, New York City, protesting against the security-wage system in the 1940 Relief Act; to the Committee on Appropriations.

4706. Also, petition of the National Consumers' League, New York, N. Y., concerning the National Labor Relations Act; to the Committee on Labor.

4707. By Mr. KOCIALKOWSKI: Memorial of the Legislature of the State of Illinois to the Congress of the United States, to establish an American-Scandinavian educational week to begin on October 9, Leif Ericson Day, and continue to and include October 16 of each year; to the Committee on the Judiciary.

4708. By Mr. PFEIFER: Petition of the Maritime Association of the Port of New York, favoring the passage of House Joint Resolution 344; to the Committee on Foreign Affairs.

4709. Also, petition of the Chinese-American Citizens Alliance, San Francisco, Calif., urging effective measures prohibiting war materials to Japan; to the Committee on Foreign Affairs.

4710. Also, petition of the National Consumers League, New York City, concerning the amendment to the National Labor Relations Act; to the Committee on Labor.

4711. Also, petition of the New York Typographical Union, No. 6, New York City, concerning the security-wage system in the 1940 relief bill; to the Committee on Appropriations.

4712. Also, petition of the Atlantic States Shippers Advisory Board, New York City, concerning the omnibus transportation bill; to the Committee on Interstate and Foreign Commerce.

4713. Also, petition of the Mohawk Milk Products Co., Inc., Cattaraugus, N. Y., concerning proposed amendments to the Labor Standards Act and the Government Contracts Act; to the Committee on Labor.

4714. Also, petition of the Mohawk Milk Products Co., Inc., South Dayton, N. Y., concerning proposed amendments to the Labor Standards Act and Government Contracts Act; to the Committee on Labor.

4715. By the SPEAKER: Petition of Alfred M. Kunze, of New Rochelle, N. Y., petitioning consideration of his petition with reference to legislation for 1940 program; to the Committee on Banking and Currency.

4716. Also, petition of the City Council of Quincy, Ill., petitioning consideration of their resolution with reference to Works Progress Administration working-hours legislation; to the Committee on Appropriations.

4717. Also, petition of the City Council of the city of Newport News, Va., petitioning consideration of their resolution with reference to the United States Housing Act of 1937 and Senate bill 591 and House bill 2888; to the Committee on Banking and Currency.

SENATE

TUESDAY, JULY 18, 1939

The Reverend Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, our Righteousness, Sustainer of life, and Giver of every good and perfect gift: Grant Thy blessing upon the President of the United States, upon these, Thy servants, in Congress assembled, and upon every person whom they serve; that the course of our lives may be peaceably ordered by Thy good Providence, upon the sure foundations of wisdom and justice, and we may ever be mindful of the trust which Thou hast given us, and thankful for every gift which Thou hast bestowed, until we and those that follow us shall present unto Thee a godly nation, given to all good works. Through Jesus Christ, Thy Son our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, July 17, 1939, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hill	Murray
Andrews	Danaher	Holman	Neely
Ashurst	Davis	Holt	Nye
Austin	Donahey	Hughes	O'Mahoney
Bailey	Downey	Johnson, Calif.	Overton
Bankhead	Ellender	Johnson, Colo.	Pepper
Barbour	Frazier	King	Pittman
Barkley	George	La Follette	Radcliffe
Bilbo	Gerry	Lee	Reed
Bone	Gibson	Lodge	Russell
Borah	Gillette	Logan	Schwartz
Bridges	Glass	Lucas	Schwellenbach
Bulow	Green	Lundeen	Sheppard
Burke	Guffey	McCarran	Slattery
Byrd	Gurney	McKellar	Stewart
Byrnes	Hale	McNary	Taft
Capper	Harrison	Maloney	Thomas, Okla.
Chavez	Hatch	Mead	Thomas, Utah
Clark, Idaho	Hayden	Miller	Tobey
Clark, Mo.	Herring	Minton	Townsend
Truman	Van Nuys	Walsh	White
Tydings	Wagner	Wheeler	Wiley
Vandenberg			

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from Michigan [Mr. BROWN] and the Senator from Arkansas [Mrs. CARAWAY] are absent on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

CATHERINE HUMLER—VETO MESSAGE (S. DOC. NO. 97)

The VICE PRESIDENT laid before the Senate a veto message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 556, an act for the relief of Catherine Humler.

Under the provisions of the enrolled bill there would be authorized a lump-sum award of yearly renewable term insurance in the amount of $13,732.

Careful consideration has been given to the facts in this case at set forth in Senate Report No. 157 from the Committee on Military Affairs and in House Report No. 602 from the Committee on War Claims.

The pertinent facts are that the veteran, Joe McFarland Humler, enlisted in the Marine Corps on June 20, 1917; that he applied for insurance on October 20, 1917, in the amount of $10,000, naming his father, Bert Humler, as beneficiary, and his mother, Catherine Humler, as contingent beneficiary, and that instead of following the usual procedure of authorizing deduction of the premiums from the applicant's service pay, that provision in the printed application form was specifically lined out and the following inserted in lieu thereof:

Premiums to be paid by first-named beneficiary above.

Unfortunately, however, the premiums were not paid, although a period of 9 months elapsed between the date of the soldier's application for insurance and the date of his death in service on July 20, 1918. That the father was informed by the veteran regarding the provision for payment of premiums on the insurance is clearly indicated by the father's letter of October 28, 1917, which was received and acknowledged prior to the receipt of the insurance application by the Bureau of War Risk Insurance on November 15, 1917. The father again communicated with the Bureau of War Risk Insurance on January 1, 1918, and the Bureau's reply of January 7, 1918, explicitly emphasized the necessity of taking action with regard to payment of the premiums. The father failed to make payment of premiums, and at the time of the veteran's death in service, July 20, 1918, 9 months after the date of application, there was no insurance in force.

Cases such as this are very appealing. However, attention must necessarily be given to the fact that there were approximately 5,000,000 men in the armed forces of the United States during the World War, and that there are, of course, many other cases of equal merit which do not come within the terms of the existing law. Approval of this bill would be used as a precedent in many other cases where for various reasons insurance contracts were not consummated.

While no award of insurance could be made in this case, the following awards have been made to the veteran's mother, Mrs. Catherine Humler: $463.50 under the World War Adjusted Compensation Act, as amended, and continuing death compensation benefits in the amount of $45 per month.

It is with regret that I do not, for the reasons above stated, feel justified in giving this bill my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 18, 1939.*